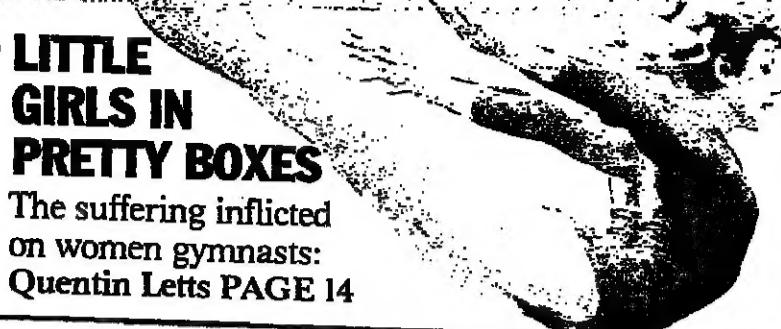


THE TIMES GREAT SUMMER OF SPORT

SEVE'S LYTHAM AND BLUES
John Hopkins recalls a thrilling Open climax
PAGE 42



LITTLE GIRLS IN PRETTY BOXES
The suffering inflicted on women gymnasts: Quentin Letts PAGE 14



ANTHONY HOWARD
Trouble with liberal newspapers PAGE 16



BEST OF ENEMIES?
How TV's Friends are sticking together against the boss
PAGE 13



Seven held in bomb factory raids

IRA blitz on gas and water plants foiled

By Stewart Tandler and Bill Frost

AN IRA plot to blast gas, water and power installations and cause massive disruption to London and the South East was foiled by Scotland Yard detectives yesterday.

Hours before the first bomb was due to be primed, armed police raided houses in south London and discovered 36 devices under construction. Seven men were arrested and last night police were hunting for a cache of up to 180lbs of Semtex. The head of the Anti-Terrorist Branch said that the bombers had been stopped "in the nick of time".

Their targets would have included electricity switching centres, pumping stations and gas plants. Bombs may also have been destined for the rail network and police are studying several lists of other potential targets.

Police believe small but powerful bombs would have been used and the devices were similar to a new design first seen in a huge explosives find at Clonsilla, Co Laois, two weeks ago.

The bombings would have been the most ambitious campaign mounted by the IRA in mainland Britain. The terrorist high command abandoned the use of young, unknown recruits and is believed to have gathered some of its most experienced hands. At least one of the men held is suspected of operating on the mainland before.

One police source said: "This is the A-team." Another senior officer said: "This is one of the best operations we have had and this was a first-class team the IRA put out. We have headed off some of the most important and experienced players they have sent over here for some years."

Three of the suspects were held at a house in Lugard Road, Peckham, as police fired "rip rounds" of CS dust into the building. One was seized as he tried to flee naked. Inside the house police found 36 time and power units, laid out charged and ready to be linked to explosives. Another four men were arrested in Woodbury Road, Tooting.

Peace meeting

John Major promised last night to "try again and again" to remove the obstacles to peace in Northern Ireland as he launched moves to patch up the bitter rift in Anglo-Irish relations. The Prime Minister criticised John Bruton's attack on the British Government's handling of the Orange dispute as unhelpful but agreed to Dublin's request for an early formal meeting. He said that the only people "rubbing their hands with glee" were the IRA who had scored a propaganda victory. Page 10

after police smashed the hinges of the front door with a special shotgun round.

The raids followed a surveillance operation launched two weeks ago. Teams of Special Branch detectives and MI5 officers followed members of a large active service unit as they reconnoitred utilities in and around London. They also used special equipment to watch a network of addresses across south London.

After the arrests, Commander John Grieve, head of the Anti-Terrorist Branch, said: "I believe we were only a few hours away from grave loss of life and serious disruption to ways of life in the capital and the South East." Commander Grieve said the men were being questioned about the campaign and the arrests were not being linked to any other IRA attacks.

After the raids, Bill Pulman, who lives opposite the run-down Victorian house in Lugard Road, described how he had seen a naked man jump from a side window as police fired CS gas rounds at the front door of number 61. "They were banging to get in and he went out of the side. Then two armed officers held him at gunpoint," he said.

Mr Pulman had been woken by shouting and other loud noises from the street at about 2am. "When I looked, I think there must have been 60

officers out there. They tried to break the front door in, but couldn't. Then they smashed the front windows to get inside. There was some banging which I thought was the gas canisters being fired."

Last night a large green tarpaulin covered the front of the building. Scene-of-crime officers and forensic scientists came and went constantly through a flap.

Tom Johnstone, a garage owner whose yard overlooks the back garden of number 61, was told by detectives that the search could last a week. He said police spent hours taking boxes out of the house. "My first thought once it sank in was how easy it might have been to trigger one of these devices — we use mobile telephones here all the time."

Another man said that the house had been bought by a family two years ago who planned to turn it into a gym. The neighbour said they had fallen behind on their mortgage repayments and the property had been vacant.

Four miles away in the similarly run-down Woodbury Street, a woman described how the police emerged from number 58 carrying two men whose ankles and wrists were tightly taped together. They lay them on the pavement face down and searched them at gunpoint, she said.

Some hours later, the police took away a dark Peugeot 405 saloon found near by. Two more homes near Woodbury Street were also raided, but no arrests were reported.

Police in the Irish Republic found 16 mortar bombs loaded with Semtex during the raid in Clonsilla, Dublin's Special Criminal Court was told yesterday. They also found 36 timing units, 30 kg of Semtex, detonators, 44 mortar launch tubes and propulsion units. Michael Cully, 46, a farmer from Clonsilla, was remanded in custody on explosives charges.

Trying again, page 10
Letters, page 17



Imran Khan arriving at the High Court in London yesterday with his wife, Jemima, and his counsel in his libel battle, George Carman QC

Botham opens batting against Imran Khan

By Joanna Bale

IAN BOTHAM went into the witness box in the High Court yesterday to defend himself and English cricket against what he sees as Imran Khan's allegations of cheating, racism and lack of class.

The former England captain is suing Imran for libel over an article in *The Sun* in which he said that illegal ball-tampering was common among fast bowlers.

Botham and his England colleague Allan Lamb are also suing the former Pakistani captain over an article in *India Today* magazine which Charles Gray, QC, described as an offensive personal attack. "Firstly, he called them racists. Secondly, he called them uneducated. And thirdly, he accused them of lacking class and upbringing."

The case, which is expected to last ten days in Court 13 could cost the loser £500,000 in costs alone. George Carman, QC, is representing Imran, who sat with his pregnant wife Jemima, demure in a pale blue kameez, at the front of the court.

Botham — in navy suit, Robin Smith testimonial tie and his wayward locks uncharacteristically shorn — said: "I've come to this court because I am very proud of what I achieved in sport and to be called racist — which is one thing I have fought against for most of my life — and to be called a cheat is something I take great offence to."

"I don't really care if a guy is green or yellow or has pink spots and comes from Mars —

if I'm playing sport against him, I like to think I could touch down anywhere in the world and knock on someone's door and, whatever creed or nationality, they would be pleased to see me and I would be pleased to see them." As for ball-tampering, he had never broken the laws of the game: "I've never thought it was necessary."

Mr Gray told the jury that Imran had admitted in his

autobiography that he had tampered with the ball and had claimed in *The Sun* that it had been going on for 20 years. "The biggest names of English cricket have all done it and when I say 'big names' I mean as big as you can get."

Although not named, Mr Gray said that Botham believed that the inference was that he, too, had been guilty. Imran denies libel, claiming the words are not capable of the defamatory meaning.

In the *India Today* article, Imran was reported to have said that the ball tampering issue had been blown out of all

proportion because of racism and the class problem in English cricket. Those who took the "rational side" in the controversy — Tony Lewis, Christopher Martin-Jenkins and Derek Pringle — were all educated Oxbridge types. "Look at the others — Lamb, Botham, Trueman. The difference in class and upbringing makes a difference."

Botham, the secondary-modern educated son of a serviceman, told the court: "I don't quite understand what class has to do with it."

Imran's admission, page 3



"My husband's in. I just want to know what he's made"



Botham: "never found cheating necessary"

Twins tragedy

Siamese twins born in a Glasgow hospital last week died in their parents' arms yesterday. The girls shared a heart and a lung, and doctors decided not to try to separate them because the parents did not want to sacrifice one for the other. The mother had been told only hours before delivery that something was wrong. Page 3

Law Society chief voted out after turbulent year

By Frances Gibb, Legal Correspondent

MARTIN MEARS, the controversial president of the Law Society, was ousted from office last night after a knife-edge vote in which he was defeated by just over 600 votes.

He lost to Tony Girling, 52, a long-standing Law Society council member, by 641 votes, after the most turbulent year in the profession's history during which Mr Mears alienated large numbers of solicitors by his provocative statements and in particular his attacks on what he saw as the fashionable ideology of "political correctness".

A total of 32,437 solicitors turned out to vote — 45 per cent of those eligible in England and Wales — and ended Mr Mears' revolutionary era as leader of the solicitors' profession.

Mr Girling, managing partner in his own 27-partner firm Girling's, in Canterbury,

polled 15,911 votes against Mr Mears' 15,239 votes. The other candidates in Mr Girling's team were also successful: Phillip Sycamore, a personal injuries lawyer, defeated Robert Sayer, now vice-president, by 16,319 votes to 14,852. Likewise, the third candidate



Mears: alienated large number of solicitors

in the team, Michael Mathews of Clifford Chance, the City law firm, defeated David Keating, a high street practitioner of Hartlepool, by 16,080 votes to 14,359.

Last night Mr Mears issued a statement from his home in Norfolk, pledging that he would stand again. "I warmly congratulate Tony Girling and his associates on their victory," he said. "I will give them every assistance and co-operation for the benefit of the profession — particularly in opposing the legal aid White Paper."

Mr Girling said after his triumph that it would not be "business as usual" — an indication that he did not want to turn the Law Society back to the pre-Mears era. He said: "I dedicate myself to the service of the whole profession." He pledged to promote client service and access to justice.

British Energy loss for small investors

By Christine Buckley

SMALL shareholders who bought shares in British Energy yesterday saw their investment slump 10 per cent in the worst privatisation since the market collapse in 1987 hit the BP offering. No other government sell-off has plunged to less than the original price on the first day of trading.

Private investors are further frustrated by the fact that they cannot bail out of their shares because they will not get certificates until the middle of next week and will only then know how many shares they have been issued.

The shares opened at 103p, the price of the institutional offering, but ended at 94p, having touched a low of 92½p. This was despite BZW, the Government's brokers, having weighed in to the market to try to support the price. Some 606,000 applied for shares at a discounted rate of 100p. Shareholders should

start receiving the certificates by the end of the two-week closure of Hinkley Point B and Hunterston B, when it should be known if the stations need to remain closed for longer.

The stations were shut for technical problems hours after the end of the public offer. Institutions still had time then to decide whether they wanted to invest.

Bob Hawley, British Energy's chief executive, denied that the small investors had been misled and said that the prospectus had drawn attention to the technical issues.

Shareholders who bought the minimum allocation of 300 shares lost £18 yesterday and it will cost them a further £20 in fees to sell. Labour accused the Government of selling off British Energy against economic sense.

Price drops, page 23
Pennington, page 25

The Times on the Internet
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TV & RADIO 42, 43
WEATHER 22
CROSSWORDS 22, 44

LETTERS 17
OBITUARIES 19
ANTHONY HOWARD 16

ARTS 35-37
CHESS & BRIDGE 38
COURT & SOCIAL 18

SPORT 38-42, 44
BODY & MIND 14
LAW REPORT 21

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If only the Grand Old Duke of York had Sir Patrick to explain

TOTAL cock-up always brings out the best in the British, who cease carping and flock loyally to the defence of their leaders. In the Commons to discuss a cock-up of majestic proportions, the Northern Ireland Secretary found MPs ready to commiserate than to blame.

Sir Patrick Mayhew steered his troops with masterly authority. After his impassioned defence of Northern Ireland's Chief Constable, he realised that the Grand Old Duke of York was anything

but wobbly. His ten thousand men were fortunate in their General. His Grace was a tower of strength: firm of purpose, a Hercules — but with bad PR. If the Duke had had Sir Patrick to explain, he would now be a national hero. But surely, you ask, he did march his troops to the top of the hill? And surely he did march them down again? Ah, but the situation had changed while they were on the hilltop. And, as Sir Patrick put it yesterday, "it would have been a weak man who, recognising that circumstances had deteriorated gravely since the original decision, nonetheless, through fears of facile accusations of a U-turn, held — in quite different circumstances — to the original decision."

Lacking Sir Patrick's advocacy, the Duke of York's reputation has succumbed to those facile accusations. It could have been so different. Oh, the Grand Old Duke of York. He had ten thousand men. He marched them up to the top of the hill. And, fearless in the face of facile accusations of a U-turn, he marched them down again.

The Northern Ireland Secretary received a restrained and mostly sympathetic reception in Parliament yesterday. Flanked by a Prime Minister who looked profoundly depressed, he found only a few ready to point the finger of blame in any direction, and Mo Mowlam (his Labour Shadow) prepared only unwittingly to echo Peter Simple's fictional Dr Heinz Kiosk: "We are all to blame," she cried. But that's how it goes in British politics. If you

slip on a banana skin, everybody streams for your resignation. If you tip over the whole fruit-barrow, everyone calls for restraint at this moment of grave tension and national perplexity.

Peter Brooke, Sir Patrick's predecessor as Northern Ireland Secretary, listened in silence. Mr Brooke once sang *Oh My Darling Clementine* on Irish television. It brought down upon his head the abuse of the whole political establishment and the British media. He offered his resignation, staggered on, but never completely recovered. But that was because we all know the tune of *Clementine*. The affair amounted to no more than a small silliness. MPs understood the issues, and we were pleased to have an opinion on it.

Yesterday was different. MPs were faced not with a gaffe, but a monumental blunder. They were therefore out of their depth. It is unfortunate for Mr Brooke that he did not mortar-bomb the headquarters of Irish Television. Instead of singing a song on it, he would then have been regarded as controversial rather than silly, his decision debated as a "difficult" one.

Among the few who spoke unambiguously, Dennis Skinner noted the Government's insistence that it stood aloof from operational decisions by chief constables. The aloofness, he said, was selective. It was a pity Arthur Scargill and his striking miners had not worn orange sashes and bowler hats.

MATTHEW PARRIS

POLITICAL SKETCH

top of the hill. And, fearless in the face of facile accusations of a U-turn, he marched them down again.

The Northern Ireland Secretary received a restrained and mostly sympathetic reception in Parliament yesterday. Flanked by a Prime

Blair puts fairness first for industrial policies

By Andrew Pierce, Political Correspondent

TONY BLAIR last night promised the business community that he would not sign up to measures in the Social Chapter that would damage Britain's competitiveness.

In a letter to 10,000 businesses, the Labour leader said that he was aware that the Social Chapter and the minimum wage caused concern but insisted that he would only agree to policies that promoted fairness.

"A new Labour government will insist that any new measures adopted under the Social Chapter promote fairness, not inflexibility. It will not be used to import foreign social security systems or ways of organising the boardroom," he wrote.

Mr Blair accused the Tories of gross distortion of the contents of the Social Chapter. "There are in fact only two measures agreed under it. Consultation for employees in Europe-wide companies and parental leave. Neither of these pose any threat whatsoever to the competitiveness of British companies. Indeed, many of our largest firms have voluntarily adopted works councils."

Joan Lestor creates gap in Shadow Cabinet

By Philip Webster, Political Editor

LABOUR'S Shadow Cabinet elections took a fresh twist yesterday when Joan Lestor, the veteran leftwinger and Shadow Minister for Overseas Development, announced that she would not be standing in next week's poll.

Her decision, creating an unexpected vacancy in Labour's 19-strong elected high command, raised the prospect of a larger field entering the race than had been thought likely.

Supporters of Tony Blair are clearly hoping that the existing team will be re-elected, with Jack Cunningham, the Shadow Heritage Secretary, eliminated last night, replacing Miss Lestor.

Miss Lestor's move may boost Harriet Harman's chances of re-election but Dawn Primarolo, a member of Gordon Brown's Treasury team, was also considering her options last night.

As a prominent leftwinger and long-time member of the Campaign Group, Ms Primarolo is regarded as more likely than Ms Harman to pick up Miss Lestor's votes.

All Labour MPs have to cast votes for at least four women. A fierce campaign involving

members of the front bench is under way to support Ms Harman, the Shadow Health Secretary, in her efforts to survive the furore over her decision to send her son to a grammar school. In the end, Ms Primarolo may be dissuaded from standing. Today in the Commons Ms Harman has an opportunity to shine during questions to Stephen Dorrell, the Health Secretary.

It is understood that Miss Lestor has been suffering from a form of exhaustion and has been given medical advice to take a break from front-line politics.

She said: "It is with great sadness that I am stepping down from the Shadow Cabinet on medical advice."

"The job is too important not to have the full energy that I deserve and which, with regret, I am unable to give."

Ms Lestor served as a minister in the Wilson and Callaghan governments but has been happy to take a series of low-profile posts on overseas development, children and the family.

She said Labour's new overseas development paper provided for a new Department for International Development headed by a Cabinet minister. She added: "This is a key post which will make significant demands on its incumbent."

Ms Lestor's long political career started when she joined the party 41 years ago. She went on to become a councillor and was elected MP for Eton and Slough in 1966. She resigned as a minister in 1976 over education cuts.

She lost her seat in 1983 but was returned as MP for Eton and Slough in 1987 and has held a succession of frontbench posts and served on the National Executive Committee.



Mark Payne and 6ft 2in Ira Emelianova, who is temporarily protecting him

GP hires Russian wrestler to protect him on night calls

A FAMILY doctor worried about his safety during night visits has hired a world champion woman wrestler as a bodyguard.

Dr Mark Payne had become so intimidated by gangs of youngsters during his night calls in Birmingham that he signed up Ira Emelianova, who is 6ft 2ins and 14 stone. She is the reigning world champion at sarabo wrestling, a form of self-defence popular in her native Russia. Her prowess has attracted the makers of the James Bond films, who have approached her about a part in the next 007 movie.

Dr Payne said he decided to draft in Ms Emelianova after a call at the weekend when he was attacked by a dog and threatened by a patient's relative. "I don't think anyone would be mad enough to take on Ira in a fight," he said.

"I know she rather lives up to the stereotype of the macho Russian woman but she is gentle at heart. Still, when she is at work the only thing on her mind is to protect me — and she does that with extreme prejudice. She takes no prisoners."

Ms Emelianova has accompanied Dr Payne on calls for the past two nights. Unsurprisingly, Sunday night passed off without incident.

Ms Emelianova, who is in Birmingham on holiday with her husband Constantin Tinovitski, is famous in her homeland as a wrestler. She commands a huge salary for her sideline as a bodyguard, working for women politicians and daughters of prominent personalities.

Dr Payne befriended Mr Tinovitski while the couple were on a visit to Britain 18 months ago and invited them over for a return visit. He said Ms Emelianova would be on stand-by for the next week before she returns home to begin her preparations for the next world sambo wrestling championships in Japan.

Church recovers from £800m loss

The Church of England has returned to a sound financial position after losing £800 million on property investments in the 1980s, its General Synod, meeting in York, was told yesterday. Latest figures show that the Church Commissioners have recouped most of the losses and now manage assets of £2.7 billion.

Sir Michael Colman, First Church Estates Commissioner, said that churchgoers had responded generously to the need for increased giving. He added, however: "It is, naturally, taking some time for church people to forgive the commissioners for past mistakes and to understand that there is simply not enough money from the historic assets to pay for everything." Dean of Lincoln attacks Carey, page 4

Government banker sale

The agency that pays the pensions of some 1.6 million public servants and acts as banker to the Government is to be privatised. David Heathcoat-Amory, the Paymaster General, announced the sell-off of the Paymaster Agency in a Commons written reply yesterday. The agency operates some 1,800 bank accounts for government departments, NHS trusts and other public sector bodies.

Pay reform for Forces

Defence chiefs want a flexible pay structure to reward skills, experience and performance in the Armed Forces, it was disclosed yesterday. Pay rates should overlap between ranks, so those doing well can be paid more even if they cannot be promoted, they argue in recommendations to ministers after reviewing the Bett report into pay and conditions. They reject the proposal to end pensions for those leaving at 40.

Ignorance on drugs

Nine out of ten teenagers responding to a survey on drug use said they were ignorant of the effects of Ecstasy and similar substances. The majority of 50,000 schoolchildren questioned after the death of Leah Betts said they wanted tough, factual drug education. Many found existing programmes patronising and almost half assumed that Ecstasy was safe if there were no ill-effects on first taking it.

Massive heroin haul

Customs officers in Calais have found £11 million worth of heroin in a lorry destined for England via the Channel Tunnel. The haul, the biggest in France since 1972, came after a routine check on a British lorry last Thursday. It included amphetamines, cocaine, synthetic drugs and cannabis. The British driver, who came from Holland, through Belgium to France, is being held in custody.

Featherweight fortune

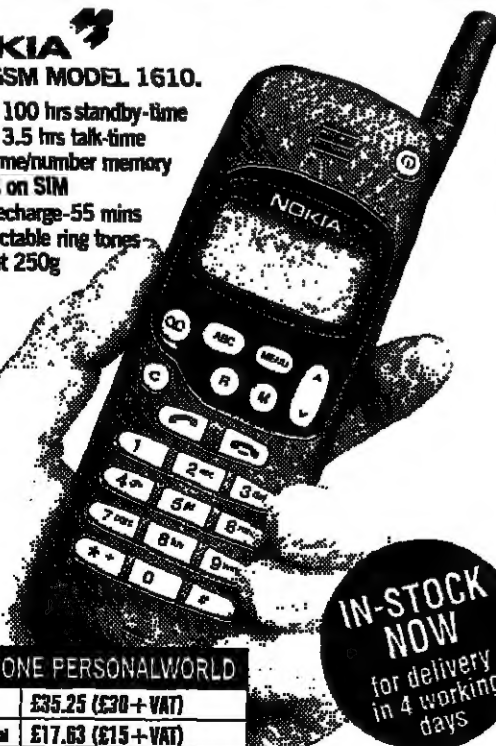
A feather-filled golf ball worth two shillings and sixpence in 1840 sold for £10,925 at an auction of golfing memorabilia in Glasgow. A gill Open Championship medal won in 1885 at the Royal and Ancient Golf Club at St Andrews sold for £27,600, while a printed pamphlet of the Rules and Regulations of the Royal Perth Golfing Society dating from 1834, which shaped the modern game, went for a similar sum.



Lestor: joined Labour Party 41 years ago

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Tories avert Forces homes sale revolt

By Andrew Pierce, Political Correspondent

MINISTERS appear to have averted a Tory backbench revolt today over the proposed sale of 60,000 Armed Forces married quarters thanks to a report that gives backing to the plan.

The Commons Defence Select Committee has brought forward to today the publication of its report into the sale of the married quarters. It gives qualified support to the sell-off, which would include a £100 million upgrade for military homes.

But at least two Tory MPs have vowed to vote for a Labour motion calling for more consultation with military families before the sale goes ahead. Julian Brazier, MP for Canterbury, said: "I will feel I have no alternative. I have been opposed to this all along." Cyril Townsend, MP

for Bexleyheath, and Nicholas Winterton, MP for Macclesfield, have also been highly critical.

Defence ministers, led by James Arbutnot, yesterday tried to win round the rebels. The Select Committee report, which was passed unanimously, will still make uncomfortable reading for Michael Portillo, the Defence Secretary. It contains sharp criticism of the timing and handling of the sale.

"It has been a fiasco," said one senior committee member. "The report is highly critical of the way the issue has been presented although broadly we support the policy."

But the report will also make clear that the committee does not believe that the £100 million upgrade is enough.

Hunt is on for life in parallel solar system

THE search for extraterrestrial life has been given added impetus by the discovery of an Earth-like solar system 65 light years away (Nick Nuttall writes).

British scientists said yesterday that they were hoping to launch a spacecraft to see if the new system might harbour a planet with an atmosphere able to support life.

Dr Heien Walker, of the Rutherford Appleton Laboratory, said a proposal had been accepted by the European Space Agency to build up to four spacecraft in a project codenamed Darwin. "The spacecraft would be able to

detect ozone, the gas that shields the Earth from the Sun's rays and makes our planet habitable. "Stars do not make ozone, only Earth-like planets do. It is hoped to have Darwin launched by 2015," she said.

The Earth-like solar system, which has a star called Vega at its heart, was first seen in 1983. Dr Walker said the solar system is, edge to edge, 900 astronomical units or 93 billion miles wide. "It is a similar size to ours and Vega is about as old as our Sun."

Dr Walker added: "It is possible that we might find life."

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BY SHIRLEY ENGLISH AND JEREMY LAURANCE

he had been angered by allegations of racism. Viv Richards, former West Indian captain, was taken to his son. Imran denied the charge. The case continues.

By TIM JONES

said he had been angered by the accusations of racism. Viv Richards, the former West Indian captain, was godfather to his son. Imran denies libel. The case continues.

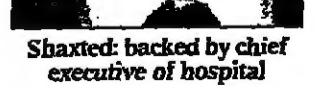


By Lin Jenkins

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The Swan	£124

BY ALAN HAMILTON

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Aspiring barristers face big dinner bill in training reforms

By FRANCES GIBB, LEGAL CORRESPONDENT

HUNDREDS of trainee barristers will have to travel to London from regional universities to eat traditional qualifying dinners under plans to expand training for the Bar. Some will log more than 10,000 miles.

The decision, made on Saturday by the profession's governing body, ends the monopoly on the training of barristers in London by the Inns of Court School of Law (Bar School) from autumn next year. It will also oblige would-be advocates to travel to the Inns of Court in London to eat dinners in hall.

Bar students must still eat a total of 18 dinners as part of their training. The idea is that they mingle in the dining hall with judges and senior barristers and absorb the ethos of the profession.

Students at the University of Northumbria at Newcastle, for instance, will have to travel more than 10,000 miles to qualify as barristers: the

round trip of 548 miles multiplied by 18. A trip by train from Newcastle would cost £198 return with an overnight stay, a total of £356.4.

The cost will add considerably to the expense of their course, which is unlikely to be much less than the £5,000 charged to Bar students in London. There have been moves to reduce the number of dinners that Bar students must eat or, alternatively, to combine these with a training weekend or conference, but these are on hold until other Bar reforms are implemented.

The seven bodies validated to run the Bar vocational course are the BPP Law School in London; the College of Law (both full and part-time courses) in London, which is the main training body for solicitors; the Inns of Court School of Law; Nottingham Law School; the University of Northumbria at Newcastle; and the University of the West of England (Bristol), with the

Cardiff Law School. They will provide a total of 1,430 places compared with the 1,100 offered now.

The expansion was generally welcomed yesterday but there was criticism that two of the Bar's biggest regional centres, Birmingham and Manchester, were not represented. Nigel Savage, incoming chief executive of the College of Law, which trains more than half of all solicitors in England and Wales, said that his college would produce a "Rolls-Royce" course for barristers.

But he added: "My own concern is that the outcome of the process means that there will be no course in a major provincial centre — such as Birmingham or Manchester. That is not the fault of the Bar Council. They must maintain basic standards and not allow under-resourced or inadequate courses to be run."

Law, pages 21, 31, 33

Race to find £2m to stop export of painting

By PETER FOSTER

THE fate of an important 17th-century painting by the Italian artist Il Guercino is uncertain today after a government order delaying its export to America expired at midnight last night.

Timothy Clifford, director of the National Galleries of Scotland, was given six months to raise more than £2m million to match a bid from the Getty Museum in Los Angeles for *Erminia Finding The Wounded Tancred*.

The picture, which has hung in Castle Howard in Yorkshire since 1772, is considered one of the masterpieces of Guercino's late work and part of the national heritage. A private sale, agreed between its owner, Simon Howard, and the Getty Museum, has been delayed in Whitehall for six months to give the National Galleries time to save the painting for the nation.

The vivid picture, which is the last Guercino remaining in private hands, depicts a scene from Torquato Tasso's



Export ban lifted: *Erminia Finding the Wounded Tancred*, by Il Guercino

epic 16th-century poem on the Crusades. Dating from 1649-50, it was bought to England in 1772 during the golden years of English collecting by Frederick Howard, fifth Earl of Carlisle.

Mr Clifford said yesterday that he was still short of the total needed but was "reasonably optimistic" that the money could be raised. The Heritage Lottery Fund has

already promised £1.5 million if Mr Clifford raises a further £500,000.

Last night the National Art Collections Fund was meeting to discuss an application for a further £300,000 grant, leaving Mr Clifford in need of a further £100,000 to £200,000 to match the Getty bid.

Yesterday the Heritage Department said that the export deferral order would expire at

midnight and that the Secretary of State would be reviewing the situation over the next few days.

Mr Clifford's fight to save the painting comes two years after he led a successful campaign by the National Galleries of Scotland and the Victoria and Albert Museum to stop the Getty Museum from buying Canova's sculpture *The Three Graces*.

Fiancée of road rage victim in car crash

By MICHAEL HORSNELL

POLICE engineers have examined a car driven by the fiancée of Stephen Cameron, murdered in May in an apparent road rage incident, after it was involved in an accident at the weekend.

Danielle Cable, 17, had been driving home after visiting Mr Cameron's parents in Swanley, Kent, when the accident happened on the A20. She was with Mr Cameron, 21, when he was stabbed to death during a roadside argument with the driver of a Land Rover Discovery only four miles away, off the M25, in May.

Ms Cable escaped without serious injury after the accident at Orpington, southeast London, on Saturday in which her Ford Escort rolled down a 50ft embankment. No other vehicle was involved. She managed to climb back to the road and flagged down a vehicle.

After fears that the car might have been sabotaged, police engineers examined it for tampering but yesterday declared there had been nothing wrong with it.

Dean of Lincoln attacks Carey for resignation call

By RUTH GLEDHILL AND PAUL WILKINSON

THE Dean of Lincoln criticised the Archbishop of Canterbury yesterday after he called publicly for the resignation of the Dean and sub-Dean.

The Very Rev Brandon Jackson was on holiday considering his position when Dr George Carey called on him and Canon Rex Davis, his sub-Dean, to resign. In a statement issued yesterday on his return, Dr Jackson, 61, said: "It is regrettable that a matter which the Archbishop held out to those whom he met with as 'private and pastoral' should have been projected by him into the public domain."

"While a private arrangement between Church members, be they so-called dignitaries of the Church or not, is one thing, such a public pronouncement with attendant press conference trappings has overtones that do not seem appropriate to the structure of legal relationships or for precedent-setting methodology."

Canon Davis has already said that he has no intention of stepping down. At the time of the Archbishop's intervention Church sources said that the Dean, probably would go, choosing his moment to preserve dignity; but yesterday Dr Jackson said that Dr Carey's highly public actions and Canon Davis's subsequent comments had altered the situation and he was considering his position anew.

The Dean has been at loggerheads with clerical colleagues at Lincoln Cathedral since his appointment in 1989, on the recommendation of Margaret Thatcher, to sort out problems in the administra-

tion. They stem from a disastrous venture in 1988 when the cathedral's copy of Magna Carta was sent on exhibition to Australia, costing the cathedral more than £50,000 and the Australian Government almost £600,000.

Dr Jackson is convinced that accusations of sexual impropriety brought against him a year ago — and subsequently dismissed — were part of a plot to get rid of him. The woman involved, Verity Frystone, a cathedral verger who has since resigned and renounced her faith, is planning a civil action against him.

Last week Dr Carey, who has no powers to dismiss the two warring clerics, called a press conference to beg them to give up their posts at Lincoln. He described their dispute as "a scandal, dishonouring God".

Dr Jackson said that he had returned to a mountain of post. The vast majority supported his staying on, although he said: "There were a few saying 'You bastard.'"

Woodrow Wyatt, page 16



Jackson: position over resignation has altered

Tourists delayed by holiday hitch list

By HARVEY ELLIOTT, AIR CORRESPONDENT

NEARLY 400 holidaymakers were stranded at Gatwick for more than 24 hours after a series of problems which included a crashed fighter plane and striking Greek air traffic controllers.

The Caledonian Tristar on which 393 passengers were due to fly from Gatwick to Preveza and Kefalonia in Greece was stuck in Malta because of delays caused by Greek air traffic control, the airline said. When it was given clearance to leave for Gatwick to pick up the passengers on Sunday, its crew was not allowed to fly it because they

had gone over their legal flying hours.

The passengers at Gatwick were put up in hotels and promised an early departure yesterday. When the plane arrived, it developed a technical fault. The airline was then informed that a military aircraft had crashed on the runway at Preveza, putting it out of use for bigger aircraft such as the Tristar.

It could land only at Kefalonia, where some passengers were heading. The airline then chartered a ship and last night took the other 263 passengers to their destination.

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Marriage of 15 years is wound up in 2 minutes

By ALAN HAMILTON

CASE 5029 in the Principal Registry of the Family Division of the High Court yesterday could not have been in greater contrast to the wedding of the century in St Paul's Cathedral 15 years ago, when crowds lined the streets and a television audience of hundreds of millions looked on.

In a bare, functional courtroom decorated in pallid Civil Service eau-de-nil, the marriage of the Prince and Princess of Wales was provisionally ended in a swift and unadorned legal production-line process lasting barely two minutes. There were 31 other uncontested divorce petitions.

Senior District Judge Angel granted the couple a decree nisi, which cost the Prince £80. In six weeks' time he will be able to apply for a decree absolute, ending the marriage for an additional fee of £20. In the unlikely event that either party has a change of mind before then, they can appeal.

The only witnesses to the historic moment were the judge, his clerk Mrs Carol Barry, a doorkeeper and 28 journalists. The brief proceedings are held in open court, but no member of the public took advantage of the opportunity. As for the parties themselves, the Prince was thousands of miles away helping the Sultan of Brunei to celebrate his fiftieth birthday. The Princess remained at Kensington Palace, where she is rumoured to be planning a holiday to France with her fellow divorcee, the Duchess of York, whose marriage was ended by the same judge in the same room six weeks ago.

Documents relating to the case, which are open for public inspection, show that the Prince signed his petition for divorce at St James's Palace last Thursday, the day before the official announcement by the couple's lawyers and Buckingham Palace. Simple questions and answers on the pre-printed affidavit form tell the sorry story in the bleakest detail.

Question 4: State the date on which you and the respondent separated. "November 1993 was the date on which we officially separated."

Question 5: State briefly the reason or main reason for the separation. "Both myself and the Respondent recognised there were irreconcilable differences and that accordingly we could no longer live together."

Question 8: Since the date given in the answer to question 4, have you ever lived with the respondent in the same household? "No."

The answers, in fact, are not quite correct. John Major announced the Waleses' separation to the Commons on December 9, 1992, and their official parting is assumed to

have commenced from that date. After drawing up detailed settlement proposals, the Prince's solicitors, Farrer & Co, made a clerical error at the last moment when faced with preparing a petition within hours of the Princess's acceptance of a financial offer believed to be worth £17 million. The error had no effect on the proceedings, even with the wrong starting date, the couple had been apart for the requisite two years.

After Judge Angel had read the affidavits from the Prince and the Princess to satisfy himself that they had complied with the rules of uncontested divorce, all that remained in public was for him to ask if any party or person wished to show cause against the decrees being pronounced.

But first Mrs Barry stood up and in half a minute read the list of 32 names of petitioners in alphabetical order, with "His Royal Highness the Prince of Wales versus Her Royal Highness the Princess of Wales" second to last. Judge Angel, in black robes, white

wing collar and wig, asked his question.

The courtroom remained silent. "I pronounce decrees and make orders in accordance with the respective district judges' certificates," he said. Another 32 of the 9,000 divorces processed by the Somerset House court each year had gone through on the nod.

The judgment is enshrined in the certificate of decree nisi, which states: "On the 15th day of July 1996, The District Judge held that the petitioner and respondent have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition, and that the respondent consents to a decree being granted."

Robin West, the court manager, said as he ushered out the journalists that very few people turned up to see their own marriages ended. "To all intents and purposes, the hearings are a bit of a non-event." Even case 5029, which reduces princely fame to the common herd and a dull sheet of paper.



The Sultan and Prince of Wales at a Brunei Armed Forces march-past yesterday

Prince joins Sultan for birthday blowout

THE Sultan of Brunei celebrated his fiftieth birthday yesterday in a style befitting his status as one of the world's richest men — in the company of the Prince of Wales and the singer Michael Jackson.

Hassanal Bolkiah Mu'izzaddin Waddaulah, Prime Minister, Finance and Home Affairs Minister and absolute ruler of the oil-rich speck on the island of Borneo, is spending about £17 million on his birthday bash, government sources said.

About £10 million has been set aside for three apparently free concerts by Jackson at Jerudong amusement park, the largest in southeast Asia, which never charges admission for Brunei residents or foreign visitors.

Another £6½ million has been spent on food and non-alcoholic drinks for the sultanate's 300,000 residents, and the capital is bedecked with bunting and flags. In his birthday speech at his 1,700-room, gold-domed palace, the Sultan again reminded his people of the need to diversify the country's oil-based economy.

IN THE HIGH COURT OF JUSTICE

PRINCIPAL REGISTRY OF THE FAMILY DIVISION

Uncontested decree pronounced in Principal Registry of the Family Division, Somerset House, Strand, London

Before Mr District Judge Angel

Sitting at the Principal Registry of the Family Division, Somerset House, Strand, London

Between His Royal Highness Prince Charles Philip

Answer George The Prince of Wales

and Her Royal Highness The Princess of Wales

On the 15th day of July 1996

the District Judge held that the petitioner and respondent have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition, and that the respondent consents to a decree being granted.

The decree nisi certificate for the Prince and Princess and their signatures on the divorce papers

Charles

Diana

Man was 'justified' in stabbing burglar

By A STAFF REPORTER

A MAN who came home to find a burglar ransacking his flat was fully justified in seizing a kitchen knife and stabbing him, a judge at the Old Bailey said yesterday. The burglar, Brian Firmager, 32, later died from a heart attack on the operating table at Guy's Hospital, where his accomplice, Tony Garrard, had taken him after they fled.

Firmager had attacked John Campbell with a pepper spray and baseball bat when he returned to his home and disturbed the burglars. "I have not the slightest doubt, that, in my judgment, Mr Campbell was fully justified in what he did in lawful self defence," Brian Higgs, QC, the Recorder, said. He jailed Garrard for six years for the aggravated burglary at Mr Campbell's flat in Holborn, central London, last January.

"Thus like you who attack householders in this country and subject them to the violence that you two did cannot be surprised if the householders fight back in self-defence," the judge told Garrard.

When Garrard, 34, from Lee, southeast London, heard of the death of Firmager, from Bromley, southeast London, he went straight to police in tears and confessed, the court was told. "He still experiences the agony of it," Geoffrey Cox, for the defence, said. "This man has had it brought home to him the sheer absurdity, folly and error of his ways."

The burglars had picked Mr Campbell as they believed he had money from alleged drug dealing. They struck when Mr Campbell and a man who shared the house were out, attacking them when they returned. Firmager hit Mr Campbell about the head with a baseball bat, continuing the assault even after he had been stabbed.

The Crown Prosecution Service had considered prosecuting Mr Campbell but decided there would be no proceedings as it was thought to be self-defence. Mr Campbell, who needed three stitches after the attack, is awaiting trial on two drug-related matters.

Former boss sent letter bomb after takeover

By STEPHEN FARRELL

A FORMER managing director was jailed for four years yesterday for sending a letter bomb to the company that ousted him in a takeover. Alvin Burgess had become obsessed that staff at Qualtec Engineering, Hereford, were opening his letters, Worcester, Crown Court was told.

Burgess, 36, built a potentially lethal explosive using about 140 grams of firework gunpowder and a nine-volt battery. The bomb was defused after employees noticed tubes protruding from the padded envelope. Burgess, of Droitwich, Hereford and Worcester, admitted sending an explosive device with intent to burn on May 18 last year.

Judge David McEvoy, QC, was told that Burgess, who had set up the company, was made redundant in 1994 when Ralph Engineering took it over. He disputed the valuation of his firm and, while his divorce was being negotiated, his wife discovered that he had had a £30,000 payoff. He became unhinged, over business and personal problems, Henry Graham, for the prosecution, said.

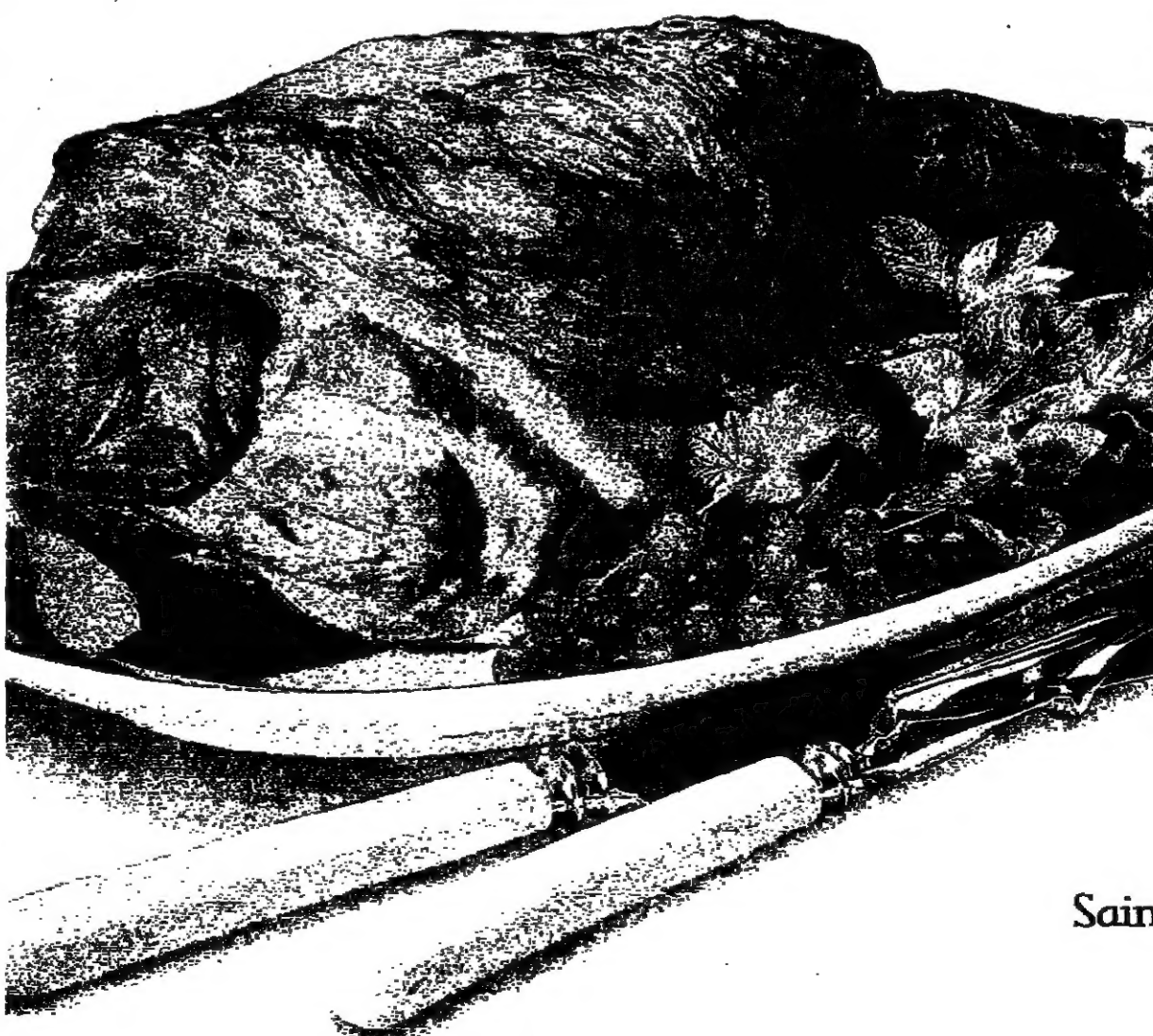
Philip LeCornu, for the defence, said Burgess had not intended to hurt anyone but was such a perfectionist that he had to make a real bomb instead of a hoax device.

CORRECTIONS

□ Mrs Jennifer Powell, who is claiming unfair dismissal by the management company Chesterfield House (report, June 28), was a manager of that company, and not of Fenwick, the department store.

□ The Crown Prosecution Service offered evidence against Robert Mazure (report, July 9) on a charge of murder, but that charge was dismissed at committal. A later attempt to have the charge added to an indictment for perverting the course of justice and assault was rejected by a High Court judge.

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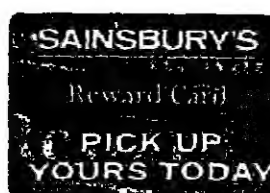
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Act aimed to protect public morals

Judge invokes 1926 law to curb reports on Moynihan case

BY KATHRYN KNIGHT AND FRANCES GIBB

THE colourful life and nefarious times of the late Baron Moynihan will remain shielded from the public eye after a High Court judge invoked a 1926 Act. The Judicial Proceedings Act, originally framed to protect the populace from moral outrage, is also used to restrict press coverage in contested divorce proceedings. Yesterday's case was initially brought to settle competing claims to the ancestral title of the third baron, who died from a stroke in 1991. At the time he was running a string of brothels in the Philippines, where he had fled 21 years earlier to escape a string of fraud charges. Two boys, aged seven and five, whose Filipino mothers claim they were Lord Moynihan's fourth and fifth wives, are laying claim to the title.

However, the case has now developed into arguments about the validity of Lord Moynihan's divorce decree from his fourth wife. The decision will help to resolve the women's competing claims to the title for their sons, Andrew and Daniel.

The court must decide whether Lord Moynihan's divorce from his Filipino fourth wife, Editha, in 1990 was fraudulently obtained, and his subsequent marriage to Jinna, a retired belly-dancer, therefore bigamous.

Lord Moynihan's half-brother, Colin Moynihan, 40, the former Tory Sports Minister, is keeping a watching brief at the hearing because he stands to inherit the title if Editha's and Jinna's children are proved illegitimate.

Legal argument centred yesterday on whether the case amounted to a contested divorce case and therefore whether press coverage should be restricted until the end of proceedings, as with other contested divorce cases.

Coverage of divorce proceedings are restricted under the Judicial Proceedings (Regulation of Reports) Act 1926, originally framed to

restrict coverage of any court proceedings if it could be seen as injuring public morals. That function is rarely invoked. But Sir Stephen Brown, president of the Family Division of the High Court, ruled that the spirit of the Act was relevant to the case. He therefore restricted coverage and ordered that reporting should be limited to names of parties and witnesses, charges and any counter charges, until he gives his ruling at the end of the hearing.

The case promised an in-



Colin Moynihan: wants to see the case settled

sight into the antics of Anthony Patrick Andrew Cairnes Berkeley Moynihan, Third Baron of Leeds. It was known that he lived life to the full, building up a £3 million fortune from the sex industry and earning himself the nickname the Ermine Pimp. However, the Queen's Proctor then stepped into the case to challenge the legality of Lord Moynihan's divorce decree from Editha, 35, claiming that her signatures on the court papers were forgeries.

Mr Moynihan said outside the court that he does not care which way the decision goes as long as it is settled and he

can get on with his political life. He wants to stand as an MP again — he lost his Lewisham seat in the 1992 general election — but if both the boys are ruled out of the title, he will not be able to offer himself as a candidate because he will become the Fourth Baron Moynihan and be elevated to the Lords.

Lord Meston, QC, representing the Queen's Proctor, told the judge that the decrees nisi and absolute granted to Lord Moynihan by Tunbridge Wells County Court in 1990 were void. It follows that his marriage to his fifth wife, Jinna, 31, would also be void because it was bigamous and their son Daniel would be illegitimate and therefore would not have a claim to the title.

Lord Moynihan's fortune in the Philippines — he left Britain with virtually nothing — will not be settled at this hearing, but is expected to go to one of the battling wives in Manila. Details of proceedings in the High Court will have to wait until Sir Stephen gives his judgment at the end of the hearing, which is expected to last 10 days.

The 1926 Act had a wider use when framed, which was to protect the populace from moral outrage as result of reading of "indecent matter" arising from any court reports. Under the Act, courts still have power to impose restrictions on what may be reported of "indecent matter". No report of proceedings may include indecent matter, or indecent medical, surgical, or physiological details, the publication of which would be calculated to injure public morals.

It is rarely used. Butterworth's textbook, *The Law of Journalism*, notes that "since public morality is in a constant state of flux it is hard to define those matters which would today be held to offend against this rule".

Leading article, page 17



Children at St Luke's School in Wolverhampton praying for their friends and teachers. The photograph was taken at the school's invitation

Children return to school a week after machete attack

BY A STAFF REPORTER

SMILING children returned to St Luke's School in Wolverhampton yesterday a week after a man attacked the nursery class with a machete.

Denise Bennett, the head teacher, greeted the children as they arrived with their parents. Police guards were posted at the front and rear entrances and the teachers arrived wearing personal alarms.

Only the nursery children were absent after the attack seven days ago which left three of them and four adults seriously injured. The nursery unit, where the attacker struck after a teddy bear's picnic, remained closed.

But as the children began

to arrive shortly after 8.30am, an air of normality began to return to the school in Blakenhall. Youngsters said goodbye to their parents and joined their friends in each of the school's five classes, receiving a warm welcome from teachers. Then they filed into the school hall, brightly decorated with monograms, including one of a rainbow saying: "Happy Days at St Luke's".

The children sat on the floor in a half-circle as Mrs Bennett told them: "We have had a really difficult time over the last week. What happened in our school was a terrible thing, but we have been thinking about you every day. By working to-

gether and playing together we can start to rebuild and feel happy again."

The children said a prayer for those injured in the attack and sang the hymn *Praise Him*. Mrs Bennett read them a story: *The Wind and the Waves*, about Jesus in a storm and compared it to the trauma experienced by everyone in the school.

The assembly finished with the children saying another prayer and singing a song, *I'm Special*.

After the assembly Mrs Bennett said that she was extremely heartened by the support of parents and children. She said that by working together they could overcome what had happened.



Mrs Bennett welcoming the children at assembly

Doctors urge tougher limits on drink-driving

BY JEREMY LAURANCE, HEALTH CORRESPONDENT

THE legal blood-alcohol limit for driving should be cut from 80 milligrams to 50 and random breath-testing introduced to enforce it, the British Medical Association said in a report published yesterday.

As the report was being published, a group of concerned organisations called for new legal limits on drink-driving to cut the 500 deaths caused every year by motorists who drink too much.

The BMA report, which is backed by the cross-party Parliamentary Advisory Council for Transport Safety and the pressure group Alcohol Concern, says that seven of the 15 countries in the European Union have limits of 50mg or less, including France, which reduced its limit from 80mg last September.

Dr Fleur Fisher, the BMA's head of science, said: "The evidence in our report shows you don't have to be drunk to be a drink-driver who kills or maims. As soon as blood

alcohol rises above zero, your ability to react behind the wheel goes steadily downhill."

The report, timed to coincide with the start of the Government's summer drink-drive campaign today, says that a reduction in the blood-alcohol limit in Australia from 80 to 50mg, combined with random breath-testing, dramatically reduced drink-driving.

It cut by 90 per cent the number of motorists with blood alcohol levels between 50 and 80mg and it reduced by 41 per cent the heavy drinkers caught driving with over 150mg of alcohol in their blood.

Dr Fisher said: "It didn't just impact on the moderate drinkers, it affected the heavy drinkers too."

Robert Gifford, director of the Parliamentary Advisory Council, said that although the association had been pressing for six years for lower limits without success there was now a more receptive

mood in Parliament. The Labour Party has said that it is willing to consult on the issue and there is wide public support for lower limits. The door is ajar, if not absolutely open.

Mr Gifford said that, after the BMA appealed to Sir George Young last Christmas to introduce lower limits, the Transport Secretary said he would be interested to see research evidence supporting such a move. "Now we have that evidence pulled together in one report," Mr Gifford said.

The number of drink-related road deaths, after falling from around 1,500 in 1982 to 530 in 1992, now appears static with 510 in 1993 and 515 in 1994.

More drink driving-deaths now occur in the summer months than at Christmas, prompting the Government to repeat its Christmas advertising campaign this week showing badly injured car accident survivors.

Anti-guns campaign launched

BY RICHARD FORD
HOME CORRESPONDENT

RELATIVES of victims of the Dunblane and Hungerford massacres will launch a campaign today to ban private ownership of handguns.

Gill Marshall-Andrews, a local government official who has set up the Gun Control Network, said: "After Hungerford, there was no public inquiry but there was a general expectation that a lot would be done and really very little was done. It is dangerous to assume that because the public expects something to happen, it will necessarily happen."

"We know the gun lobby is gearing itself up to launch a campaign against increased controls. They are building up resources for that purpose. We are countering that."

One member of the group is Mick North, 48, a university lecturer, whose wife died of cancer in 1993 and whose daughter Sophie, 5, their only child, died at Dunblane. He said in a statement: "Hungerford was described as unprecedented. Clearly it was not. Changes made in its aftermath were minimal and failed to protect my daughter and her friends. The danger to the public from legally held weapons is still there."

The shooting world is mounting a strong lobbying campaign and has asked gun users for £25 each towards the fight to prevent handguns being banned.

Recompense for lottery winner

A MAN who hires out gaming machines has got his own back against his biggest rival by winning £1.8 million on the National Lottery. Robert Deakin, 50, who lets one-arm bandits to pubs and clubs, and his wife won a share of the £22 million rollover jackpot last weekend.

"The lottery has been hitting our customers very badly because people don't play the machines as much. So it's certainly nice to get some money from the lottery for a change. Revenge is very sweet," he said.

Mr Deakin, of Portcawl, Mid Glamorgan, was on holiday in Bruges, Belgium, with his wife, Marcia, 48, a care assistant when they checked their lottery coupon on the hotel's teletext service. Mrs Deakin had not selected her usual six numbers because she forgot her glasses when marking the coupon.

"When I realised that my randomly chosen numbers were all on the ticket in my



The Deakins with Nichola, left, Jonathan and Laura

handbag we decided to abandon the holiday and come home immediately via the Shuttle," Mrs Deakin said. "It hasn't really sunk in yet. Now we're planning to take the whole family on another holiday, probably to America."

The Deakins, with daughters Nichola, 25, a pharmacist,

Laura, 18, a student, and Jonathan, 27, a technician, received their cheque for £1,825,101 at a champagne reception in Cardiff yesterday.

Eight of the 12 who shared the jackpot prize have so far come forward to claim their winnings, with seven wishing to be anonymous.

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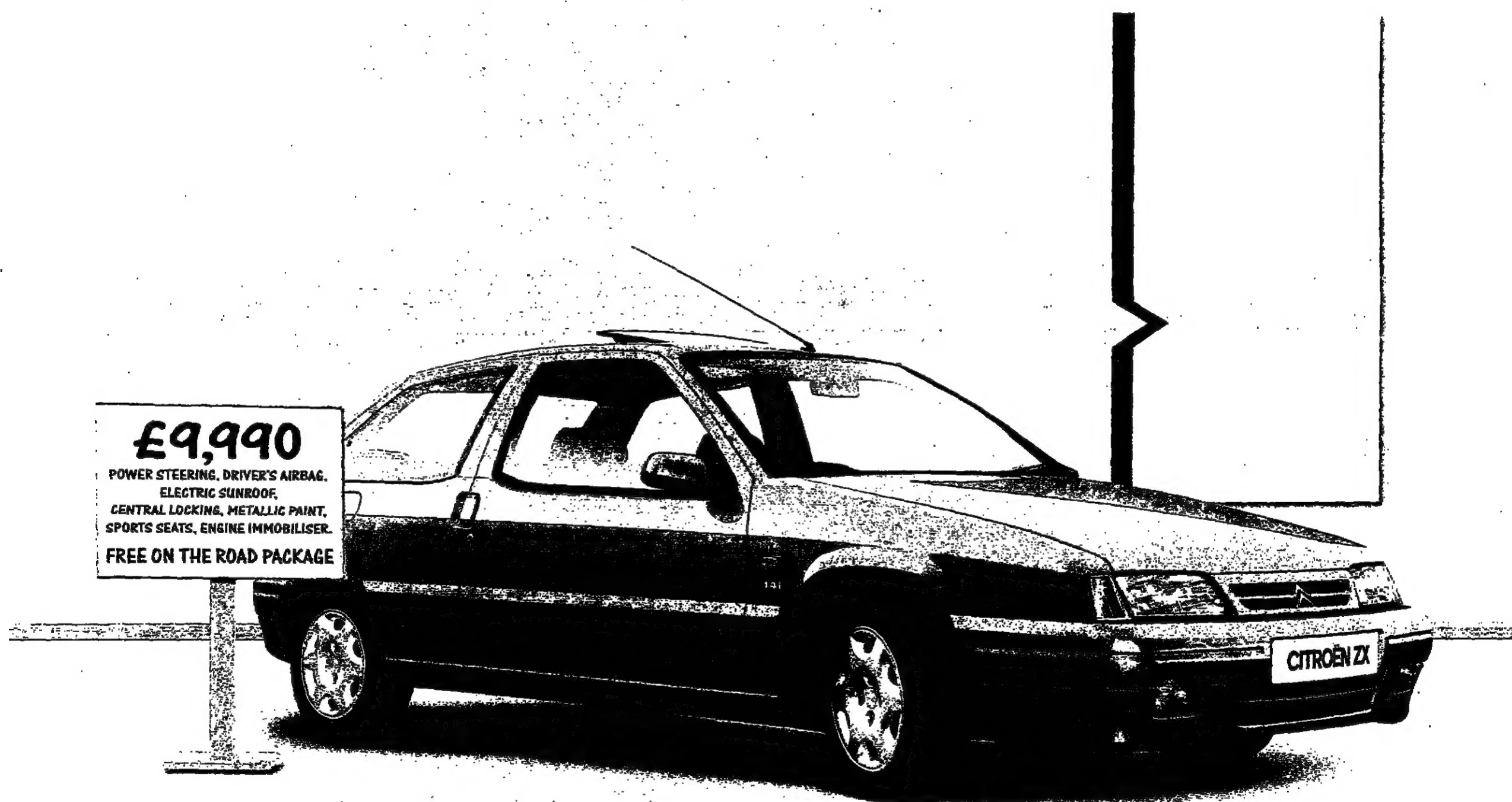
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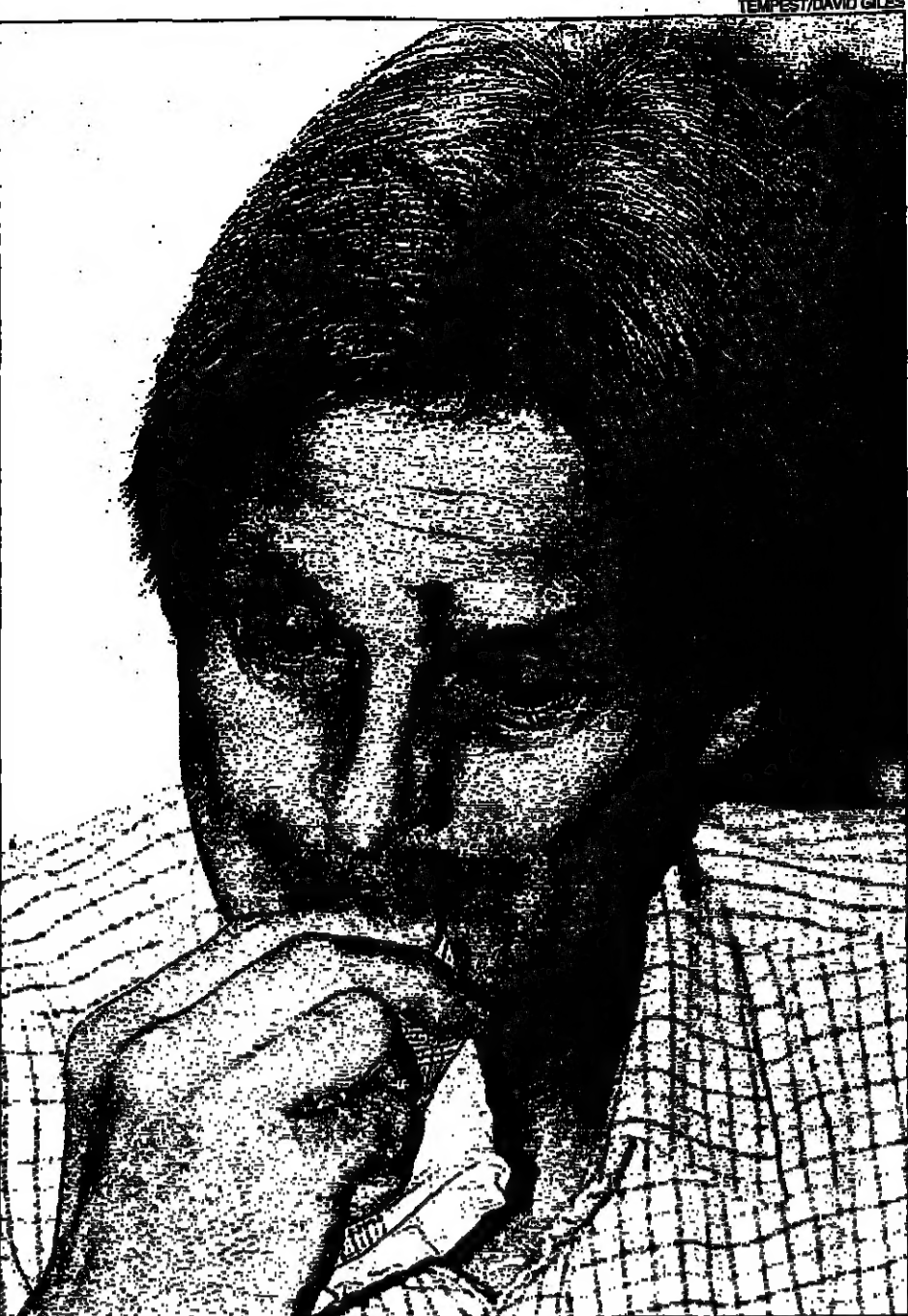
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Shaun Russell yesterday. Police praised his courage in agreeing to face the media

Bereaved father tells of shattered family life

BY RICHARD DUCE

THE husband of Lin Russell, who was murdered with her daughter last week in a field, said yesterday that having to help the girl's injured older sister to recover kept him going.

Shaking, and clutching a handkerchief, Shaun Russell, 44, said that Josephine, aged nine, was recovering slowly from serious head wounds inflicted by the hammer-wielding attacker. She is good at drawing and might be able to sketch the person who killed her mother and six-year-old sister Megan.

"Every time I go to see her she is a little better," Dr Russell said of Josephine. "The doctors tell me she will have some impairment to her speech and mobility but should retain her intellectual capabilities. Yesterday she came out of intensive care and is now in a high-dependency unit and she's off the ventilator."

"She's got one eye open and is able to focus on me. She knows who I am but she can't talk. She doesn't yet know that her mother and sister are dead. I can't bring myself to tell her."

Dr Russell, a botanist who lectures at the Durrell Institute of Conservation and Ecology in Kent, clutched the hand of a police officer as he said that his wife, a geologist, and daughter would be buried in the countryside of North Wales that they loved.

He described how the family had moved to Nonington, a

village in Kent, from Snowdonia a year ago when he had been unable to find a new job.

"We chose a beautiful part of the country to move to. I suppose to some people it was the idyllic life, with a beautiful listed cottage in the country. Lin had dedicated herself to building up the garden. We had ponies, the cats, dogs, the walking and cycling to school."

"The girls were very much country children. They grew up in South Africa and were both tomboys. They never needed television or many toys."

"They used to build dens and ride their ponies and make things. We never felt threatened or unsafe. We lived for 15 years in South Africa and two years in Namibia. Nothing horrid has ever happened to us before."

"Josie was four" when she left [Africa]. She remembers crocodiles and canoeing on the Zambezi but we never felt unsafe. I stayed in my house for the first time last night [since the murders]. I saw the roads and the lanes in a different light from the way I did previously."

Speaking of the killer, believed by police to be a local man who had planned the attack, Dr Russell said: "The best thing that that person can do for everybody's sake and even for his own sake is to come forward."

"I fear for the safety of everybody who he is near — any animals he is near. He



Josephine: she is now out of intensive care

killed my dog as well as my wife and child."

Police want to trace the driver of a car seen dumping a string bag into a hedge not far from the murder scene. Police found that the bag contained swimming costumes belonging to the girls. The man they want to trace is between 35 and 40, and about 5ft 6in tall with light coloured hair. He was driving a saloon, car believed to be a Ford Escort.

Dr Russell said that, a week before the murders, an intruder had come into the garden and stolen a plant pot. "We talked of varying our movements so anyone wanting to steal from us wouldn't know our routine," he said that, for

the few days before his wife was attacked, he had been collecting the children from school by car.

Mrs Russell was to have had more use of the car but, on the day of the murders, her husband had taken it to work because he needed to return a bicycle he had bought that had broken. "But Lin probably wouldn't have taken the car anyway because she and the children enjoyed walking so much," he added.

He said he did not know what he would do once Josephine was out of hospital. "I have a chance of a job next year working on the slopes of Mount Kilimanjaro. Josie would like that — she loved Africa — but we will have to see what her intellectual capabilities are."

"I swing between periods of complete desolation, but most of all I'm thinking about Josie. I want to get her over all this and back to some kind of life. I don't know what sort of life that will be but it will be the best I can give her."

Detective Chief Inspector David Stevens, who is leading the murder inquiry, said that Dr Russell had shown great courage in agreeing to be interviewed by the press. "It was very difficult for him but it was something he realised he should do to help the police."

Police have received many calls from the public and two have led to further confirmation that the Ford Escort-type car was seen in the area of the murders.

NEWS IN BRIEF

Stab victim to undergo Aids test

A security guard is to be tested for Aids after a burglar stabbed him with a hypodermic needle which he said contained infected blood.

The guard, 29, and a colleague were attacked by two burglars as they patrolled a factory owned by United Distillers in Laindon, Essex. Police said that one of the burglars plunged the needle into the guard's arm. Both men were left bound. The burglars stole a cash dispenser containing several thousand pounds.

Fantasy job hunt

More than 8,000 people have applied to audition for 300 jobs as "crew members" at Segaworld, the world's largest indoor theme park, which is to open at Piccadilly, London, this year. The park will provide virtual reality rides and games for up to 1.75 million visitors a year.

Reynolds payout

Albert Reynolds, the former Irish Prime Minister, accepted £10,000 damages and an apology from the publishers of a book describing him as a liar. Guinness Publishing admitted there was no truth in the allegation in *The Guinness Book of Political Blunders*, which was withdrawn.

False prophet

A woman appeared before magistrates in Llanelli accused of being a bogus medium. Geraldine Lee, 54, who lives at the Morfa gypsy camp in Llanelli, was charged under the Fraudulent Mediums Act of 1951. She was granted bail and the case was adjourned for two weeks.

£5m Ecstasy haul

Five men are due to appear in court today after the seizure of Ecstasy tablets with a street value of £5 million during a customs search of a car at the French end of the Channel Tunnel. The men, who will appear before Dover and Folkestone magistrates, come from east London and Essex.

Berlin medal sale

A gold medal won at the 1936 Olympics in Berlin is up for auction today. It was won by Major Lionel Emmett, 83, a member of the Indian hockey team which beat Germany 5-1. His Olympic memorabilia and service medals will be sold at Spink's, London.

Double quick

A 22-year-old woman is to give birth to two sets of twins in a year. Gillian Bogg, of Rendlesham, Suffolk, had her first twins, James and Georgina, in January. She is expecting a second set in December. Mrs Bogg also has a three-year-old daughter.

Witnesses differ over airshow crash

BY HARVEY ELLIOTT
AIR CORRESPONDENT

CONFLICTING evidence emerged yesterday as to the cause of the crash of a vintage wartime fighter in which one of Britain's most experienced pilots was killed.

Air accident investigators watched video and still films of the final moments of the Lockheed P38 Lightning as it cartwheeled and burst into flames in front of an airshow crowd and listened to often contradictory evidence from witnesses.

Some said the nose of the aircraft dropped suddenly and uncontrollably and that the plane appeared to dip to its right before impact. Others said that there appeared to be nothing wrong with the plane and that its wing simply clipped the ground as it began to turn and pull up

towards a roll during the low-level flypast.

In the meantime, however, there was general acclaim for the experience and skill of Michael "Hoot" Proudfoot, the 54-year-old Britannia Airways captain and former RAF squadron leader who died in the crash at Duxford, Cambridgeshire.

Captain Proudfoot, from High Wycombe, Buckinghamshire, had been with Britannia for 17 years since leaving the RAF, flying Boeing 757s and 767s to holiday resorts around the world. He flew vintage aircraft in his spare time and was one of the most respected and skilful display pilots in the country.

Roger Burnett, Britannia's managing director, said Mr Proudfoot's death during a display of vintage aircraft at the Imperial War Museum had been a shocking blow to the company. "He was

an extremely competent pilot and he was held in high regard both personally and professionally. Everybody here is shocked and distressed by his death. Our thoughts are with his family."

Mr Proudfoot was an RAF officer from 1962 to 1979 and was decorated twice, winning the Queen's Commendation in 1971 and the Air Force Cross in 1974. He leaves a wife and two sons, one of whom, Lee, is also a pilot who used to work for Britannia.

The American Lightning Mr Proudfoot was flying when he died was the only one of its type still in existence outside America. About 13,000 people were at the annual Flying Legends show when the crash happened. A spectator's video shows the plane suddenly dipping as it flies low across the runway, then cartwheeling along the ground.

Pilot who landed plane on wife will quit flying

BY EMMA WILKINS AND HARVEY ELLIOTT

A PILOT whose wife was struck by debris as he crash-landed his plane yesterday to give up flying. Paul Ellis, 50, was comforting his wife, Nicola, as she made a good recovery from head, arm and chest injuries in hospital.

Mrs Ellis, 40, a ceramic artist, was hit by debris from the undercarriage as her husband's Mini-Max microlight came down in a field near their home at Blewbury, near Didcot, Oxfordshire on Sunday.

Mr Ellis, a computer software writer, is now waiting to be interviewed by investigators from the British Microlight Aircraft Association. One of the couple's two labradors was killed by debris from the crash, which has prompted Mr Ellis to turn his back on a lifetime's hobby.

"I think this is a signal that everyone is mortal and it is time to hang up my flying helmet. I have always loved aviation, but I am a realist," he said.

"I think life and family are a damn sight more important than one's personal pleasure. It was quite a selfish thing to have an aeroplane with only one seat anyway."

Mr Ellis, who built the microlight himself over two years, spent the day by his wife's bedside at the John Radcliffe Hospital in Oxford, where she was in a stable condition. She is expected to be released today.

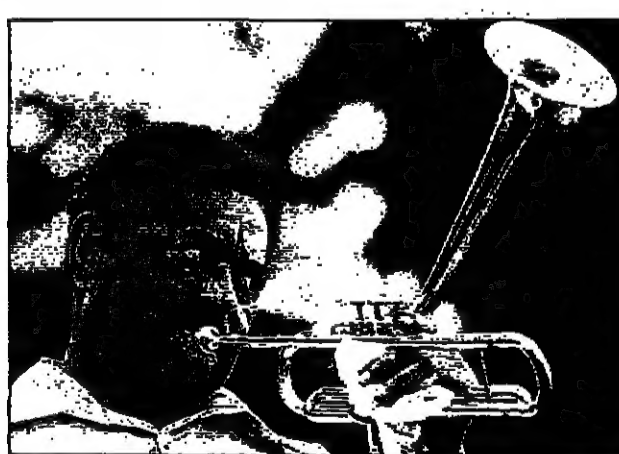
"I took off from the airstrip and I was going to fly from there to where I keep the plane about 500 metres away," said Mr Ellis. "I climbed to get altitude for the approach. I lost power and I was climbing into the sun and so I was blinded. I tried to turn back to land but the aircraft stalled."

"When it hit the ground some part of the wreckage hit my wife. I think it was part of the undercarriage," he said. "I could hear my wife shouting so I knew she was all right. She was lying on the ground

and shouting. She actually seemed more cross than anything." Mrs Ellis was flown to hospital after being treated by paramedics at the scene of the accident, a 200-acre field owned by a local farmer at Ginge, five miles from the couple's home.

The Mini-Max is one of the cheapest fixed wing microlights and costs about £5,000 in kit form or £8,000 ready assembled. In 1984 a series of microlight crashes led to a safety clampdown and responsibility for inspecting the aircraft was given to the Popular Flying Association and the British Microlight Aircraft Association.

"Compared with France, which is completely unregulated, we have an extremely good safety record in Britain," said Francis Donaldson, chief engineer of the PFA. "Normally, even if there is an engine failure, the very low stalling speed of a microlight means they can get down safely."



Dizzy Gillespie: customised trumpet may fetch £35,000

Beatles lyric going, but not for a song

BY PETER FOSTER

THE creased, coffee-stained scrap of paper on which John Lennon and Paul McCartney wrote the lyrics for the Beatles hit *With a Little Help from My Friends* is to go on sale for an estimated £80,000.

The manuscript, which bears the provisional title for the song, *Bad Finger Boogie*, is the most expensive of several Lennon and McCartney items on sale at a rock'n'roll memorabilia auction at Sotheby's in September.

Rock buffs will also be able to bid for McCartney's recording notes to the Beatles' seven-minute ballad *Hey Jude*. Titled simply *Jude*, the single sheet is expected to fetch more than £25,000. The notes were the germ of a record which reached No 1 in both Britain and the United States, selling more than eight million copies in the process.

More obscure is an old box of Bassett's Liqueur Allsorts signed by all four Beatles and expected to make between £2,000 and £2,500. The box is thought to have been a design

prototype for the colourful confectionery planned by Bassett's after George Harrison mentioned his taste for chewy sweets. The band was pelted with jelly babies after the chance remark.

Lennon's words for the 1967 song *Being for the Benefit of Mr Kite* are expected to fetch more than £30,000. Other Beatles lyrics to go on sale are *Lovely Rita*, *Magical Mystery Tour* and *Lady Madonna*, with each expected to fetch between £5,000 and £10,000.

Jazz fans are expected to pay up to £35,000 for a trumpet specially made for Dizzy Gillespie. The jazz legend used a custom-made instrument with the bell turned up 45 degrees.

One of Pete Townshend's Gibson guitars which helped The Who to achieve the accolade of the loudest band in the world, during the 1970s is expected to fetch up to £12,000. Memorabilia from 1990s rivals Blur and Oasis will also be on offer.

Festival review, page 37

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The Orange court case:

LAW

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Customers buy Vodafone and Cellnet services from service providers. The result - there isn't one set of tariffs, but many. Working out what each is going to cost you is a nightmare.

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And, while we've had one clear set of tariffs which has stayed constant since we launched in April 1994, there have been multiple tariff changes by others over this time.

We believe in the wirefree future - and the communications freedom that it will bring. But we also believe this can only be delivered by straight talking with our customers now.

Please let us know what you think. We might have had a favourable judgement, but you're the real jury.

Pilgrims killed in temple stampedes at Hindu festival

FROM COOMI KAPOOR IN DELHI

ABOUT 60 pilgrims died yesterday and the same number were seriously injured in two separate stampedes in the temple towns of Ujjain and Hardwar on the Hindu festival of Sonvati Amavasya.

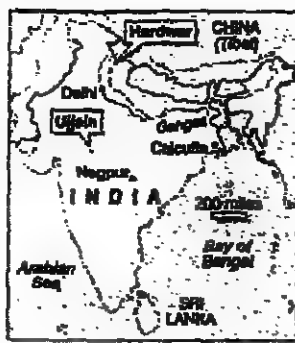
At the Mahakaleswar temple at Ujjain in central India, at least 37 people were trampled to death or suffocated at sunrise as devotees rushed for worship after taking a dip in the Kshipra river as part of their devotions.

In a similar incident at Hardwar, on the banks of the Ganges, more than 20 people were killed when bathers tried to push their way through the narrow Gau Ghat bridge near Har Ki Bauri.

At Ujjain several pilgrims fell on top of each other when they slipped on the marble stairs of the temple. Others were killed when they were impaled after the bamboo barricades snapped. The gate of the temple was closed and, when the passage to the deity was blocked to control the crowd, panic broke out among the worshippers.

Pandit Raman Drivedi, a priest at the temple, blamed the tragedy on the lack of policemen to control the crowd of some 700 people inside the temple. He said there were only four policemen at the site.

More than 200,000 people have congregated in Ujjain, 125 miles from Bhopal in



Madhya Pradesh, on the occasion of Sonvati Amavasya, a festival which occurs after a gap of 27 years, according to the Hindu calendar. It is held on a Monday morning after a moonless night.

The victims were mostly villagers from the neighbouring Malwa region, who had gathered in large numbers to thank the gods for the rains after the failure of the monsoon in the whole of western Madhya Pradesh. Villagers had been collecting in the town since Sunday, singing devotional songs.

At the Government's civil hospital, wailing villagers squatted outside waiting for news of their missing relatives. The bodies were placed in an open area and guarded by volunteers and citizens of Ujjain. However, one witness said that robbers were seen taking possessions from the dead and injured.

P.S. Tomar, the Ujjain Commissioner, said: "It is tragic. Most of them had come to thank God for the rains. Several of them were seen dancing and singing in praise of God as they queued in front of the temple gates."

The deaths in Hardwar, where 2,500,000 worshippers have assembled, were blamed on the lack of adequate arrangements by the district authorities who were unprepared for such a huge crowd.

As the dead and injured were taken to hospital, more pilgrims entered Hardwar to take a dip in this holiest of Indian rivers, unaware of the tragedy.

Balbir Singh, who lost his wife, wept as he blamed the district administration for delay in taking the wounded to the hospital. He said that there were no policemen at the bridge to regulate the crowd.

Inquiries into the stampedes have been ordered by the state government of both Madhya Pradesh and Uttar Pradesh and compensation is to be paid to the victims' families.

There have been several stampedes in India in the past decade which have killed around 1,000 people. In November 1994, in the western town of Nagpur, 130 people were killed and 500 injured as 50,000 protesters demanding jobs went on a rampage when police charged them.

Patten returns to storm over fate of top officials

FROM JONATHAN MIRSKY IN HONG KONG

CHRIS PATTEN, the Governor, flew into a maelstrom of rumour and innuendo surrounding two of Hong Kong's highest officials on his return from London yesterday.

At the centre of the storm are Laurence Leung, the Director of Immigration, who abruptly resigned last week, and Anson Chan, the Chief Secretary and Deputy Governor, who is said to have been told by China she will not be the first Peking-appointed Chief Executive in 1997. She has, however, arranged to co-operate closely with the incoming administration.

The speculation surrounding the departure of Mr Leung from a post which normally requires a year's notice has contributed to declining public confidence in the future of the colony. He appears to have been permitted to resign at 24 hours' notice — an extraordinary

move by someone in such a sensitive post with access to information of value to the incoming Chinese authorities. It has been suggested that he was offered a choice of being dismissed or resigning at once with a large pension, but a government spokesman refused to comment on the rumour.

Representatives of the main political parties in the Legislative Council, now in summer recess, are calling for a special sitting where they could question the Governor about Mr Leung. Senior Chinese officials have also demanded an explanation.

When Mr Patten landed, the first two questions at his airport press conference were about Mr Leung and Mrs Chan. The Governor dismissed them both as groundless, insisting that Mr Leung's resignation was for "personal

reasons". In the case of Mrs Chan, there have been two rumours this week, both based on press reports from London. The first is that the Chief Secretary told British officials during a recent visit to London that Peking's representatives have told her she will not be named Chief Executive because she is too closely allied to Britain.

The second is that Mrs Chan has arranged with John Major that, after the Chief Executive is named, probably at the end of this year, she will devote herself to helping him to adjust to his forthcoming duties while retaining her title. This will, in effect, remove her from being too closely linked to British interests and increase her effectiveness after the takeover. Mrs Chan is favoured with the Hong Kong public for the post of Chief Executive.



Johnny Beveridge and Lord Edward Manners land at a remote airstrip to study wildlife overwhelmed by environmental problems

Air adventurers chart wildlife's plight

FROM SAM KILEY IN NAIROBI

BARELY recovered from a bout of malaria, Lord Edward Manners and his two companions left Nairobi yesterday on the last leg of their historic aerial tour of Africa.

The 16,000-mile journey, during which the team faced storms which threatened to blow them over the battlefields of Liberia and forced them to land their single-engine Cessna on remote bush strips, reached its dramatic highlight in Kenya, where they were brought face to face with conservation issues.

"The hairiest part of the trip was certainly the flight along the Kenyan coast. We knew fighting was raging in Mombasa [the coastal capital] but a storm tried to blow us over the guns for four hours," Johnny Beveridge, Lord Edward's co-pilot, said.

Lord Edward, 30, the second son of the Duke of Rutland, Mr Beveridge, 31, a banker based in New York, and Dan Stevens, 30, a photographer, self-financed their expedition to raise the profile of the Pan African Conservation Trust (Pact), which will gather funds to invest in community-based wildlife projects.

Nowhere in Africa is there a greater need for such activities than in Kenya, where 70 per cent of all wildlife roams on land outside the national parks and reserves, bringing potentially dangerous and destructive animals into conflict

with the human population, growing at 4 per cent a year.

The team flew to the Masai Mara National Reserve, the jewel in Kenya's tourist crown, which generates an estimated £20 million a year in park fees alone.

In the three days before the Pact crew arrived, two Masai herdersmen were trampled and killed by elephants which share their pastures. But the locals who live among elephants, lions, jackals and hyenas receive little compensation.

"We knew there was fighting but a storm tried to blow us over the guns"

sation from the councillors who manage the reserve. Little is done to protect the wildlife in turn from diseases transmitted by the Masai cattle, goats and dogs.

"If Africa's wildlife is to survive into the next century, the people who share the land with it must be the principal beneficiaries of it, not its victims," Lord Edward said.

Canine distemper, spread from Masai dogs into the big cat populations of the Mara and neighbouring Serengeti,

has killed 30 to 40 per cent of the lion population over the past two years, according to Richard Kock, head of Kenya Wildlife Services veterinary department, who toured the Mara with the Pact pilots.

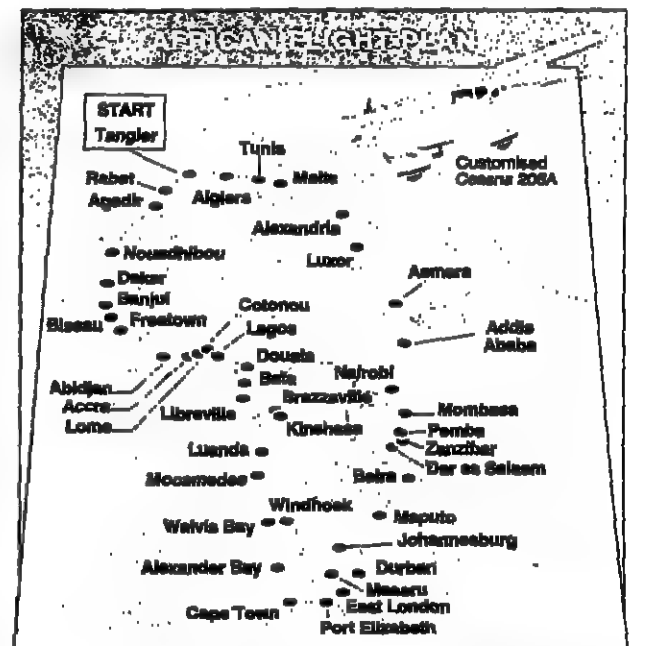
A project to vaccinate 300 Masai dogs against distemper and rabies, another big wildlife killer, is under way. But with the project's World Bank funds scheduled to dry up next year, money is desperately needed.

"Through Pact we might be able to help fund a vaccination programme, perhaps for cattle as well. That way the Masai will benefit from a conservation programme, and so will the wildlife," Lord Edward said.

Arriving at Nairobi airport after their Mara trip, the Pact team came across the improbable sight of an anaesthetised baby elephant being dragged out of the back of a Cessna Caravan passenger plane by rangers.

The calf, no more than a year old, had been orphaned when her mother was caught in crossfire during cattle raiding in north Kenya, or shot by an angry farmer as she swallowed his crops. The young female had been wounded in the right foot by a rifle bullet and will be cared for at Nairobi's wildlife orphanage.

"That is the future for wildlife unless we all do something to help humans and animals share the environment," Lord Edward said.



The Cessna, which covered 16,000 miles of bush

Alarm as judges lose gun guard

BY FRANCESCO BONGARRA

ITALIAN judges, often the target of Mafia attacks, said yesterday that they were afraid that the new left-wing Government's plans to withdraw their police escorts could put their lives in danger.

The move to end police protection, announced by Giorgio Napolitano, the Interior Minister, was a symbol of the desire of Professor Romano Prodi's administration to rid Italy of the empty trappings of power. But the decision seems to have overlooked the extreme vulnerability of judges, five of whom have been murdered in the past ten years.

Armando Spataro, an anti-Mafia judge in Milan, said: "I want to see an official written order for the withdrawal of my escort, so that people will know who is responsible for my death in case I am shot."

Francesco Borrelli, Milan's Chief Prosecutor, who could be a key Mafia target, complained officially to the city's prefect, Bartolomeo Sorge. Signor Borrelli claimed that he had never been consulted on the matter.

Signor Napolitano, who wanted to cut the small army of 4,000 policemen who guard VIPs 24 hours a day, responded: "People must at risk will always get adequate police protection. A police guard has to be provided only for people whose lives are really in danger, otherwise it is just a waste of money."

Discord intensifies between America and Saudi Arabia

FROM IAN BRODIE IN WASHINGTON

THE United States and Saudi Arabia, supposedly allies, were seriously at odds yesterday over the investigation into the terrorist bombing that killed 19 Americans, and over the Pentagon's wish to move its forces to safer locations within the kingdom.

The frictions have grown so serious that Louis Freeh, Director of the FBI, was secretly sent to Riyadh, the Saudi capital, for the second time in nine days to plead for greater co-operation. He threatened to take his complaints directly to the ailing King Fahd, who had earlier pledged full co-operation to President Clinton.

The outcome of Mr Freeh's extraordinary mission remained unclear yesterday as an embarrassed silence fell over the Clinton Administration on a sensitive issue that Republicans see as having the potential to become a combative election issue.

Prince Sultan bin Abdul Aziz, the Saudi Defence Minister,

said his Government was not in favour of moving 5,000 US servicemen, most of them in the air force, to isolated bases far from urban areas. He complained that if they were relocated, the Saudis would have to provide them with new accommodation. In remarks that will be ill-received in Washington, he also said: "This is not correct because security has been achieved, the rule of law prevails and incidents that happen in our country now are only one out of a million compared to what happens in other countries."

Five Americans died last November when a car bomb blew up outside a training centre for the Saudi National Guard in Riyadh, followed by the massive blast three weeks ago when a bomb-laden petrol tanker exploded beside a barracks near Dhahran. The Pentagon said last week that some American forces must be moved as a precaution. The

FBI has sent 70 agents to Dhahran since the second bombing but their actions have been severely limited by Saudi authorities. The agents have not been allowed off the US base to interview Saudi civilians, nor have they been given permission to send pieces of the bomb to Washington for forensic tests.

Worse, they have been barred from the investigation. Mr Freeh sought US access to several suspects who were detained by Saudi police, though the FBI does not know how many were held, nor why. The getaway car used in the blast was found six miles away a few days afterwards, but the Americans learnt of it only at the weekend.

The lack of collaboration follows Saudi refusals to extend the perimeter in Dhahran beyond 35 yards and the unexpected beheading of four men convicted of the November bombing. The FBI wanted to interview them.

Protest at Palestine Olympic flag

FROM CHRISTOPHER WALKER IN JERUSALEM

THE Israeli Foreign Ministry has made an official protest to the International Olympic Committee over plans by Palestinian athletes, who are competing for the first time, to march in the opening ceremony under a banner of the Palestinian flag, inscribed simply: Palestine.

The Tel Aviv paper *Yediot Ahronot* disclosed that, contrary to the advice of Israeli sports organisations, the protest letter had been delivered



by the Israeli consul in Atlanta after a month of lower-level protests by the Foreign Ministry.

"In the letter," the paper reported, "Israel demands that the Palestinian delegation be content to be referred to via one of the terms which was deployed in the 1993 Israel-Palestine accords."

Some Israeli athletes are upset by the formal protest because they fear it will ensure their exclusion from the coming Middle East games. Yoram Obrakovitz, head of Israel's Olympic Committee, said: "This was not a prudent decision. We have made a tremendous effort to be accepted in the Middle East games, and now it is liable to come to naught."

A Palestinian spokeswoman said the Palestinian delegation would consist of 15 people, three of them athletes, including boxer Rashid al-Oheid.

4,000 children hit by food poisoning

Tokyo: Health workers battled to contain a food poisoning outbreak from school lunches that made nearly 4,000 children ill, forced mass cancellation of classes and caused near-panic in Japan's second largest city of Osaka. The outbreak has sent more than 200 primary school pupils to hospital since Friday, suffering from vomiting, diarrhoea and fever. (Reuters)

Italian seized

Bogota: Suspected left-wing guerrillas have kidnapped an Italian engineer as he was driving through a rural area in the northwestern Colombian province of Antioquia, local radio reported. (Reuters)

Volcano erupts

Wellington: Scientists monitoring the volcano Mount Ruapehu said it had roared back into life, but cloud prevented them seeing any lava. Airline pilots reported a 20,000ft ash column. (AP)

Burma demand

Bangkok: The Burmese military regime has demanded that ethnic Karen rebels cut contacts with Aung San Suu Kyi, the democracy campaigner, as a ceasefire condition, a guerrilla leader said. (AP)

Job creation

Warsaw: A volunteer Polish fireman has pleaded guilty to setting light to ten buildings to give himself more work. In a case last week, a glazier was accused of smashing shop windows at night. (Reuters)

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US business chiefs face Europe ban in Cuba row

By CHARLES BREMNER

EUROPEAN ministers yesterday prepared plans for retaliation against the United States if President Clinton fails tonight to suspend aspects of a new law on trade with Cuba that seeks to punish foreign companies doing business in the Communist island.

"We must react, and must react today," Jacques Santer, the President of the Brussels Commission, told European Union foreign ministers. The ministers prepared a list of options that include barring American businessmen from visiting the Union's 15 member states and enabling European companies to counter-sue in European courts.

After months in which the EU has mustered a weak response to the Helms-Burton Act, named after its Senate sponsors, consensus emerged yesterday among ministers over the need to send a tough message to Washington.

Few believed that President Clinton would exercise his right to suspend for six months the controversial Title Three of the Act, which expires at midnight tonight. The outcry from Republicans and the Cuban-American lobby in particular would prove damaging five months before the presidential election.

While Europe is reluctant to spur what could be a destructive trade war with Washington, ministers yesterday were adamant that the Americans should be shown it was unacceptable to extend their jurisdiction beyond United States borders.

Businessmen from Britain, Canada, France and other

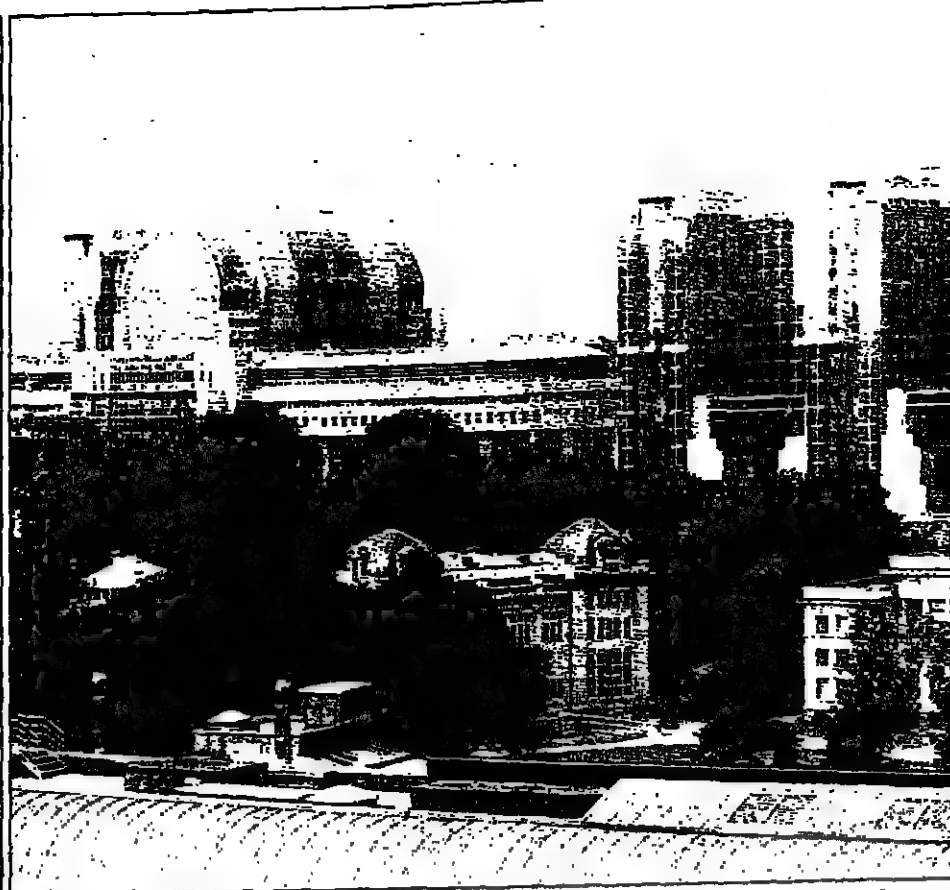
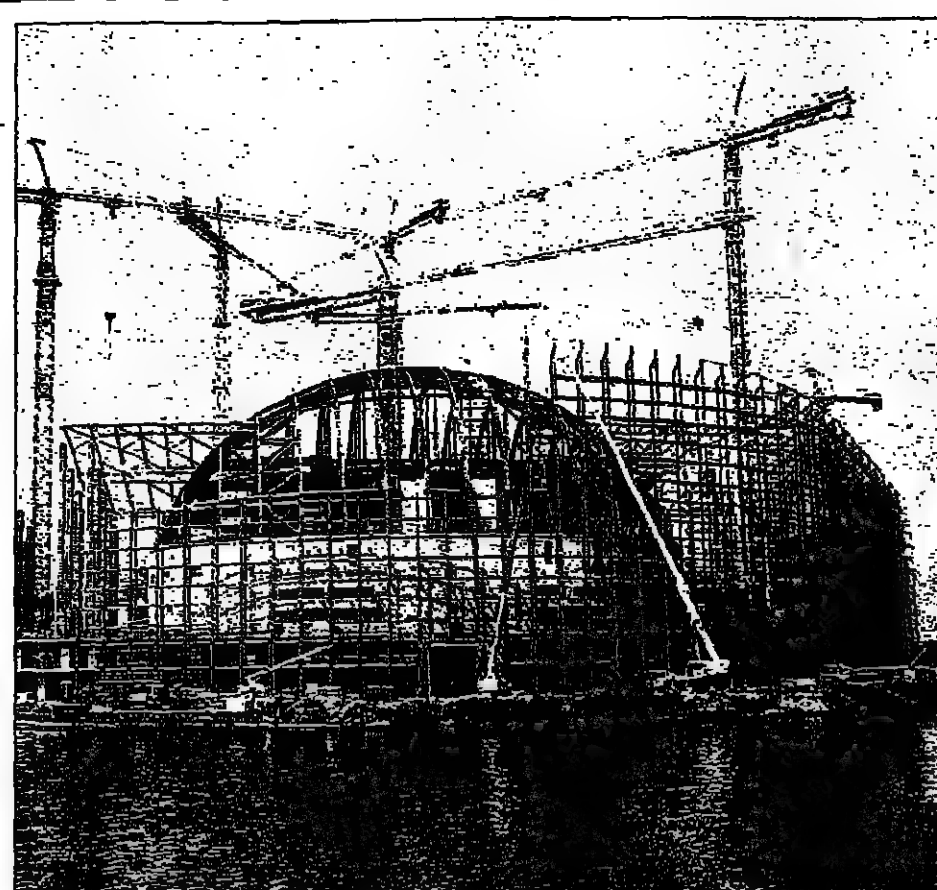
countries have been warned that they and their families will be barred from entry into the United States under Title Four of the Act, which has already been implemented, because of their companies' trade with Cuba.

The Carlson corporation, the Canadian owner of a large hotel chain, appeared yesterday to have bowed to pressure from Washington when it withdrew all plans for further foreign investment in Cuba.

The EU is worried that the successful implementation of the whole Act will expedite another law in preparation, being promoted by Alfonse D'Amato, a New York senator, to punish foreign firms doing business in Iran and Libya.

Malcolm Rifkind, the Foreign Secretary, said: "There is no doubt we are united in opposition to this. We are also greatly in favour of improving democracy in Cuba. We just disagree on the best method to achieve this... this is a matter that goes to the very heart of the United States' relations with other countries." Hervé de Charette, the French Foreign Minister, said: "This is a subject of complete consensus in Europe. No one should fool themselves over this... what shocks us is the unilateralism of the American approach."

The options being considered by ministers last night included imposing a Europe-wide restriction on the travel rights of US businessmen. Mr Rifkind opposed this on the ground that individual states should regulate entrance requirements.



The modern €500 million European Parliament under construction in Strasbourg, left, and 300 miles away the €860 million Espace Léopold building in Brussels

Euro MPs' tempers snap in city tug of war

FROM CHARLES BREMNER IN BRUSSELS

ONE of the lofiest views of Brussels can be enjoyed from the dining rooms perched atop the palatial post-modern pile known to locals as Le Caprice des Dieux, the whim of the gods.

A symphony of glass and grey steel, this 13th-floor eyrie crowns the vaulted apex of the new Brussels home of the European Parliament, an €860 million complex styled in tune with the grandeur of the European dream. Europe's biggest building project, which earned its nickname from its resemblance to a French cheese, boasts a chamber that makes the Commons look like a saloon bar. On its completion next Easter it will offer acres of offices abundant enough to satisfy the most pampered legislator.

However, these riches are an embarrassment for most of the MEPs. When they embarked yesterday on their last session of the

season, the plush 750-seat "hemicycle" chamber remained as silent as it has for 50 weeks of every year since it opened in late 1993. Along with a couple of thousand interpreters, staff, attendant lobbyists and tonnes of paperwork, the 626 MEPs will be sitting 300 miles away in Strasbourg, which EU governments confirmed two years ago as the site of its monthly week-long sessions.

The assembly has long met in an ample complex in the French city on the Rhine frontier with Germany, but now rising from the waterside there is another pharaonic new parliamentary seat, an edifice that looks like a gasometer and which, at €500 million, is only a little less sumptuous than that in Brussels.

"It is grotesque, it is outrageous," fumes Elisabeth Guigou, a senior French Socialist MEP and former minister. A partisan of the pro-Strasbourg minority, made up of

the French and their German allies, she is talking about the Brussels building, *Gijs de Vries*, a Dutch MEP who leads the Parliament's Liberal bloc (the third largest group in the assembly), voices the lament of the majority that abhors the trek to Strasbourg. "I can't see the House of Commons having to meet in Llandudno," he grumbles.

Today the majority of MEPs will air their frustrations over the absurdity of the moving feast in a debate on a vote to trim from 12 to 11 their jaunts to Alsace next season and to do away with their Friday debates, an event that few ever bother to attend.

They will lament the £1 million per year that it costs the taxpayers to keep each MEP in business. (The bill has risen with the Commons' big pay rise, because all MEPs earn the same salary as their national members of parliament.) They will

also deplore the indignities of a monthly shuttle that is compounded by the fact that the Parliament's secretariat is lodged in Luxembourg. But nothing will change because a mixture of EU power politics and sheer irresponsibility has condemned the Parliament to wander the Alsace-Belgium corridor for years to come.

The war of the competing seats has reached the level of scandal as costs have jumped by half in two years. MEPs were warned in May that they risked breaching the ceiling which fixes expenditure on their institution at 20 per cent of the EU's administrative budget.

In 1988, the Parliament staked its claim for a permanent base at the heart of EU power in Brussels by signing with a Belgian consortium for the Espace Léopold. In 1992 the French, with German help, prevailed on the EU to keep Strasbourg

as its official home. John Major brokered the deal at the Edinburgh summit that year.

Two years later, a French threat to block the arrival of MEPs from former East Germany extorted a parliamentary signature for the new Strasbourg building. The EU's court of auditors last year ruled that contract illegal because Egon Klepsch, the then president of the assembly, had acted without consultation.

According to John Tomlinson, a British Labour MEP who sits on the budgetary committee, Dr Klepsch's signature was "a tyrannical abuse of administrative power". The French camp rails in equivalent terms over underhand schemes to "rob" France of its prestige as home to the Euro-Parliament via reckless spending in Brussels. France is taking the Parliament to court for dropping the twelfth session this year.

Bosnia poll must await Karadzic's exit

FROM REUTER IN SARAJEVO



Karadzic ineligible

INTERNATIONAL mediators said yesterday that the Bosnian election campaign, delayed at least until Friday, could not begin until Radovan Karadzic, the separatist Serb leader, quits politics.

Robert Frowick, an American diplomat in charge of the September 14 ballot, said that a "mutually acceptable" solution must be worked out with the Serbs before the campaign, originally scheduled to start on Sunday, could be declared open. "It is my unalterable position that any political party that elects, appoints or maintains in office a person who is under indictment by the International [war crimes]

tribunal for the former Yugoslavia shall be ineligible to participate in the elections," Mr Frowick said.

He heads the Bosnia office of the Organisation for Security and Co-operation in Europe, which is arranging the elections to reconnect ethnic Serb and Muslim-Croat enclaves in a democratic federal Bosnia. Under the Dayton treaty that ended Bosnia's 1992-95 war, no individual charged by the tribunal may hold public office or participate in elections.

Dr Karadzic, indicted twice for alleged genocide, says that he will not be a candidate but retains power through his

leadership of the ruling party. The main architect of the Dayton accord, Richard Holbrooke, is due in the region this week to lobby for Dr Karadzic's removal after France proposed empowering Nato peacekeeping troops in Bosnia to hunt down those indicted for war crimes.

Mr Frowick said he met Dr Karadzic's deputies last week to press them to deal with the issue and "give them a bit of space and time" for an outcome that would be mutually acceptable. "By definition, if this campaign starts on Friday, you can be sure that things must be straightened out by that date," he said.

Bosnia's Muslim-led central Government hinted at a possible boycott of the elections if Dr Karadzic and his colleague, General Ratko Mladic, did not bow out. "All the effort being put into implementing Dayton, including the elections, is in doubt because of their presence," said Mira, Hajric, foreign policy adviser to President Izetbegovic of Bosnia.

Brussels European foreign ministers appointed Sir Martin Garrod, of Britain, to replace Ricardo Pérez Casado, a Spaniard, as EU administrator in the divided Bosnian city of Mostar. He is expected to take over on July 22. (Reuters)

Oklahoma suspects bask in glow of courtroom notoriety

FROM QUENTIN LETTS IN DENVER

THE two most hated men in America walked calmly into a Colorado court yesterday, exchanged jokes with their lawyers and settled down to hear early arguments in a case which could end with execution by lethal injection.

Timothy McVeigh and Terry Nichols, suspects in last year's Oklahoma City bomb blast, sauntered into the federal court in Denver after being transported from the nearby Jefferson County prison in a high-speed armed convoy.

Mr McVeigh, youthful and tall, smiled broadly as he savoured the crowded court. Dressed in a green shirt and pale chinos, he grinned at familiar faces in the public gallery and bobbed up and down on the balls of his feet, like an athlete warming up.

Mr Nichols, in a more sober blazer and open-necked pale shirt, remained composed, limiting himself to courteous handshakes with his defence lawyers. His hair parted neatly, he clasped his hands and clenched his jaw muscles as

the court awaited the arrival of Judge Richard Matsch.

The two men are charged with planning the lorry bomb which in April 1995 devastated the federal building in Oklahoma City, killing 168 and injuring 500. It was the worst act of terrorism perpetrated on US soil and such were the emotions generated in Oklahoma that a judge moved the case to Denver, 600 miles away, to try to ensure that the jury would be unbiased.

The morning session appeared to go the way of the prosecution, despite arguments by Michael Tigar, Mr Nichols's veteran attorney, that FBI agents did not go by the book when arresting his client.

Mr Nichols listened intently to his lawyer. All this time Mr McVeigh, sitting at a separate table, craned his neck and picked his teeth. He had a stare not so much of menace as of excited interest in the events occurring around him. Judge Matsch, known for his tight discipline, entered

court room C204 at 9am to find it filled with relatives of the dead, with the media and an astonishing array of legal counsel.

The prosecution, led by wheelchair-bound Joseph Hartzler, who suffers from multiple sclerosis, consisted of 11 advocates and six government officials. The defendants had five lawyers apiece and an additional 16 supporters on the floor of the court.

First to speak for Mr McVeigh was Jerri Martin, a Denver lawyer. She sought the dismissal of evidence on technicalities. Judge Matsch denied her request, as he did an attempt by Mr Tigar to discredit the police.

Marsha Kight, whose 23-year-old daughter was killed, said: "Funny thing is, I can almost appreciate the way those guys feel. Members of my family in the past were grand marshalls of the Ku Klux Klan and I have a young son who doesn't trust the federal Government. This is very hard for me."



Waigel: time for change

Bonn urges reform of EU budget

FROM MICHAEL KALLENBACH IN BONN

GERMANY, which contributes four times as much as Britain and France combined to the European Union, has called for the burden to be spread more evenly and for Brussels to introduce sweeping reforms of the budget.

Theo Waigel, the Finance Minister, has been leading the Government's drive to meet the views of many Germans who have grown impatient that domestic interests are being overlooked in favour of European idealism.

At a weekend foreign policy meeting of his Christian Social Union, he urged the EU to revamp its payment system and said German taxpayers could not continue to carry the burden for other states. He insisted that, as the EU is enlarged, the number of commissioners must not automatically be increased.

In 1994, Germans paid DM27.6 billion (£11.6 billion) towards the EU, with Britain paying DM4.2 billion and France DM1.6 billion. The current budget arrangements, worked out in 1992, are due to run until 1999.

Richest 358 people 'own as much as half of the world'

FROM EVE-ANN PRENTICE DIPLOMATIC CORRESPONDENT, IN TOKYO

THE gap between rich and poor has become so great that the world's 358 wealthiest people have assets equal to the combined income of 2.3 billion people, nearly half the global population, according to a United Nations report.

Furthermore, the rift is becoming more pronounced in rich countries, especially Britain and America, where the incomes of the poorest 20 per cent are less than a quarter of the national average. In Britain, the poorest fifth of the population have an average of less than £2,600 a year to live on, while the national average income is £11,100, says the UN Development Programme in its annual report.

In America, the gap is even wider with the poorest 20 per cent living on £3,700 a year compared with a national average of £15,600.

The gap between rich and poor in Britain and America is similar to that in Nigeria and Brazil, whereas in Japan and Bangladesh the average income of the poorest 20 per cent is nearly half the national average, the report says.

The polarisation of the "haves" and "have nots" is just as marked between countries as within them. While there has been "a dramatic surge in economic growth in 15 countries since 1980... economic decline or stagnation has affected 100 countries", says the report, to be published tomorrow.

"Although many are aware of this economic stagnation, the full extent and gravity are too often obscured because of the stunning success of the fast-growing countries," it adds.

China and most of Asia are among the economic success stories, while in many countries of Eastern Europe and the former Soviet Union, aver-

age income plummeted by at least a fifth between 1990 and 1993.

The declines among 100 countries over 15 years has been unprecedented, the report says, much longer and sometimes greater than those suffered by industrial countries during the Great Depression of the 1930s.

It says: "New patterns of growth will need to be developed... to prevent even more extreme imbalances and inequalities in the world economy." It urges economic growth to be linked more closely with development.

The report also ranks 174 countries according to their citizens' quality of life in health and longevity, knowledge and a decent standard of living. In the so-called Human Development Index, Canada emerges as the best, followed by America and Japan. Britain is sixteenth in the table, above Denmark and Germany, while at the bottom are Somalia, Sierra Leone and last of all Niger.

The problems facing Eastern Europe and the former Soviet Union since the fall of the Berlin Wall are starkly indicated. Male life expectancy in many of these countries has declined: in Russia, by five years, according to some estimates. Hyper-inflation is rampant at 7,380 per cent in Georgia, 2,000 per cent in Armenia and 1,875 in Belarus, the report says.

Unemployment affects 35 million people in the industrialised world. In those countries, the average jobless rate was 8.6 per cent in 1993, ranging from 2.5 per cent in Japan to 23 per cent in Spain.

Of the £14,800 billion global gross national product in 1993, £11,600 billion was within the industrialised countries and only £3,100 billion in developing countries, even though they have nearly 80 per cent of the world's people. Human Development Report 1996 is published for the UN by Oxford University Press.

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Portuguese world launches new commonwealth

Lisbon: Portugal and six former colonies, including Brazil, will fulfil a long-held ambition tomorrow to unite their 200 million people in a commonwealth of Portuguese-speaking nations. Following in the footsteps of the Commonwealth and the francophone nations, the Community of Portuguese-Speaking Countries (CPLP) will be launched by heads of state and top government officials.

President Cardoso of Brazil, whose country is home to 70 per cent of the world's Portuguese speakers, joins President Sampaio of Portugal. Pres-

ident dos Santos of Angola and their counterparts from Mozambique, the Cape Verde Islands and Guinea-Bissau for the signing ceremony in Lisbon. President Trovoada of São Tomé and Príncipe will be represented by his Prime Minister because he is campaigning for a second round of voting in presidential elections in the West African archipelago.

Lisbon gave up the last of its foreign possessions, with the exception of Macau, Hong Kong's sister territory, after the 1974 revolution that put an end to decades of right-wing

dictatorship in Portugal. But the idea of seeking to preserve historic and cultural links with the former colonial territories in a formal organisation has been gaining ground in recent years.

Portugal and Brazil, proud of their common language and cultural links, saw a Portuguese-speaking grouping as offering a barrier to the rapid expansion of English and Spanish as international languages.

In the former African colonies in particular, the future of Portuguese has been brought into question by the

growing importance of English for trade and international commerce. "It has been seen said that Portuguese has lost influence when compared with other languages. I believe it is important to fight for the preservation of the language," said Senhor Cardoso in an interview to launch the community.

While the reinforcing of cultural and linguistic ties will be at the heart of the new organisation, political co-operation will also be on the agenda. The CPLP will have its headquarters in Lisbon. (Reuters)

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BUSINESS ROUNDUP

The findings point to an increase in overall construction output for the first time since the start of 1995. A net

The rise in output was accompa-

Almost half the firms surveyed believe that output will grow over the next 12 months, in contrast to three months ago, when expectations were broadly flat. Small contractors are more pessimistic than large firms.

But the BEC said that the prospect for jobs in the industry remains worrying. The long-term downward trend in employment shows few signs of abating, with more jobs expected to be cut on top of the 485,000 lost since 1989.

BY OLIVER AUGUST

Barclays denied that it had acted prematurely. A spokesman said: "We supported the company and its rescue proposals, but unfortunately it didn't work."

Meanwhile, staff morale collapsed. Employees sat in dark stores yesterday with the shutters down, using store computers to find the latest

Pennington, page 25



Deryk King, who has joined PowerGen from ICL, today begins his duties as managing director.

PowerGen had been allowed to expand via a takeover of Midlands then competition in domestic electricity, which is scheduled for 1998, would have been kick-started and would have mitigated

BY JONATHAN PRYNN, TRANSPORT CORRESPONDENT

Average annual spending on transport investment needed to be increased from £8.75 billion to about £11.25 billion to match Britain's European

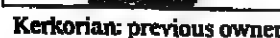
A better road, page 27

Francois Stollman, its manufacturing director, accepted the European Better Environment Awards for Industry Trophy from Mary Robinson, the Irish President, in Dublin. Rank Xerox found ways to split 80,000 old photocopiers a year into reusable parts and parts sent for recycling by other firms.

Henkel Ireland, a Cork chemical company, was praised for reducing waste.

BY ALASDAIR MURRAY

But Mr Kerkorian's involvement is likely to prompt a cool reaction from Crédit Lyonnais, the French bank that is selling MGM. Lyonnais only reluctantly agreed to sell MGM to Kerkorian at the end of last year, over his sale of MGM in 1990, and are understood to blame his management for many of the



LAWYERS for Titan Business Club, the international money-

Lord Woolf, Master of the Rolls, sitting with Lord Justice Saville and Lord Justice Millett, suggested that a "pernicious aspect" of the scheme was that "the longer it goes on, the more people are going to suffer as a result of it fizzling out". Edward Bannister, QC, the lawyer for the Titan scheme, said that there was "no trap or trick" to the scheme. The case continues. **Pennington, page 25**

ALLOWING British Airways to link with American Airlines will "inflict the greatest harm on the UK consumer", United Airlines, the rival US carrier, told MPs on the House of Commons Transport Committee yesterday. United, which has a tie-up with Germany's Lufthansa, said it supported alliances. But it said the BA-American deal would put those two airlines "in a position to charge a premium for travel to and from the UK". On Wednesday, Sir George Young, Transport Secretary, will give his views on the alliance.

CREST, the new £25 million paperless system for trading shares on the London Stock Exchange, opened for business yesterday with two orders for shares in English China Clay placed by Kleinwort Benson and Redmayne Bentley, the stockbroking firms. The electronic system, switched on by Kenneth Clarke, the Chancellor of the Exchequer, will replace share certificates and stock transfer forms with electronic messages. Private investors do not have to use CREST.

IRELAND'S trade surplus jumped to Ir£699 million in February from Ir£483 million a year ago, according to figures released yesterday by the Central Statistics Office. The value of exports increased 25 per cent to Ir£2.51 billion while imports increased 18 per cent to Ir£1.82 billion. But preliminary figures for March indicate a drop from the 1995 surplus of Ir£645 million to Ir£630 million this year. Britain continued to be Ireland's largest trade partner, accounting for Ir£551 million of imports and exports.

SHANDWICK, the international public relations company, said that a high level of new business activity and favourable foreign exchange rates should allow it to maintain double-digit growth in the second half of this year. The prediction came as Shandwick reported a pre-tax profit of £3.6 million, up 10.7 per cent, in the half year to the end of April, on record revenue of £58.8 million, up 12.6 per cent. Earnings per share were 1.9p against 1.7p and the interim dividend, payable on September 20, is fixed at 0.43p.

MEPC, the property company, has won the race to acquire the 3.7 million sq ft of industrial buildings owned by Caledonian Land, with an offer worth a total of £83 million. MEPC is paying Sweden's SPP £29 million in cash and assuming debts of £54 million. Caledonian Land includes a portfolio of 25 properties, comprising industrial estates around Glasgow and Edinburgh. The largest property is the 85-hectare (35-acre) Hillington estate, which represents 40 per cent of the portfolio by value.

BTR is expanding its industrial valves businesses through the acquisition of Vogt Valves from the Henry Vogt Machine Company for \$31 million. Vogt, which is based in Louisville, Kentucky, is a leading manufacturer of low pressure gate, globe and check valves for the refining, petrochemical and other process industries, with annual turnover of about \$45 million. Net assets are estimated at \$26 million. The business will become part of Edwards Valves Inc. a BTR subsidiary, which is based in Raleigh, North Carolina.

SHARES in Australia's Commonwealth Bank ended the first day of trading at the issue price of A\$6 (£3) yesterday. The Australian Government, which sold its A\$5 billion stake, the country's biggest share offer, had hoped the Commonwealth offer would generate strong investor support for its future privatisations. The second instalment of Commonwealth, due in November 1997, was priced at A\$4.45, well below market expectations, in the hope that it would provide a buffer against the vagaries of Wall Street and the local stock market.

LIFE NUMBERS, the largest of Britain's ten personalised telephone number companies, is to float on the Alternative Investment Market on Thursday with a market capitalisation of £600,000. The group, launched last December, sells the new 07000 telephone numbers from £120 to £350 per line. Calls, which cost 3p per unit above BT's national rate, can be re-routed to any terrestrial or mobile telephone. A total of five million shares and 3.2 million warrants have been placed at 12p per share.

BY SARA MCCONNELLI

The results are certain to fuel criticism over the introduction of self assessment. From next April, the 9 million people who are sent a tax re-

turn will have the option of working out their own tax bill or providing exact figures so that the Revenue can work it out for them. Deadlines for filing will be tightened and lateness will be penalised. But critics of the proposed system say the new forms are too complex for many people, making this system unworkable.

The Revenue insisted that the results of the pilot were better than expected. Of the returns received, 94 per cent had been completed fully, compared with an assumed 90 per cent. Of the completed

	Bank Bills	Bank Bills
Australia S	2.04	1.88
Austria Sch	17.82	16.26
Belgium F	11.01	47.50
Canada S	2.72	2.02
Cyprus Cyp£	0.7861	
Denmark Dkr	9.67	
France FrF	7.76	7.13
Germany DM	8.40	7.25
Greece Dr	2.515	2.205
Hong Kong S	12.84	11.84
India Rupee	90	90
Indonesia Rp	1,052	1,049
Israel Sh	5.31	
Japan Yen	228.8	228.8
South Korea W	165.80	169.80
Malta M	0.002	0.002
Netherlands Gld	2.804	2.547
New Zealand S	2.00	1.85
Norway Kr	10.63	9.83
Portugal Esc	263.50	266
Spain Ptas	203.50	189.50
Sweden Kr	11.04	
Switzerland Fr	2.083	1.900
Turkey Lira	128.818	124.818
USA S	1.647	1.517

Rates for annual denomination bank notes only as supplied by Barclays Bank PLC. Different rates apply to traveller's cheques.

PUBLIC NOTICES

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LEGAL NOTICES

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LEGAL NOTICES

No. 033462 of 1976
IN THE HIGH COURT OF
JUDICATURE
OF THE PROVINCE OF
WESTERN CAPE
COMPANIES COURT
IN RE THE MATTER OF
THE ESTATE OF
DWEN & ROBINSON PCY
IN THE MATTER OF
THE COMPANIES ACT
NOTICE IS HEREBY GIVEN THAT
on the 21st day of July 1976
presented to His Majesty
the King in Council the
confirmation of the resolution
of the shareholders of the
said Company to be
passed at the meeting of the
said Company, the reduction of
the share structure of the
said Company to 100,000
shares of R1.00 each.

AND NOTICE IS HEREBY
GIVEN THAT the said Petition to
cancel the share structure of the
said Company was presented to
the Court Registrar at the Royal
Cape of Justice, South Africa
on the 21st day of July 1976
and the said Company's share
structure is hereby confirmed
for the confirmation of the said
share structure of the said
Company and the said shares
and share premium account shall
be cancelled at the time of hearing in
person or by Counsel for both
parties.

A copy of the said Petition will be
presented to the Court Registrar
requiring the same by the
said Company and the said
share structure of the said
Company on the said Petition
on account of the Proposed
for the same.

On the 21st day of July, 1976,
THOMAS SMITH
SOLICITOR FOR THE PETITIONERS
TO SHOW CAUSE
IN RE THE MATTER OF
THE ESTATE OF
DWEN & ROBINSON PCY
Solicitors for the above-named
firm.

No. 033462 of 1976
IN THE HIGH COURT OF
JUDICATURE
OF THE PROVINCE OF
WESTERN CAPE
COMPANIES COURT
IN RE THE MATTER OF
THE ESTATE OF
ALLIANT COMPANY
SYSTEMS LTD
IN THE MATTER OF
THE COMPANIES ACT
A Petition was presented
to the Court Registrar at the
Royal Cape of Justice on the
21st day of July 1976 for the
confirmation of the resolution
of the shareholders of the
said Company to be passed
at the meeting of the said
Company from 11
shares of R1.00 each to
21 shares of R1,200.00 per
share.

AND NOTICE IS HEREBY
GIVEN THAT the said Petition
to cancel the share structure of
the said Company was presented
to the Court Registrar at the
Royal Cape of Justice, South
Africa on the 21st day of July
1976.

ANY Creditor or Shareholder
of the said Company desiring
to oppose the making of an
order of the Court for the
reduction in capital should
present a written statement
in support of his objection
in person or by Counsel for
himself on or before the 21st
day of July 1976.

A copy of the said Petition
furnished to any such
person requesting the same
and to any registered or
unregistered creditors or
shareholders of the said
Company.

0171-782 7344

ND00031142 of 1996
 IN THE
 HIGH COURT OF JUSTICE
 CHANCERY DIVISION
 CHANCERY MATTERS
 COMPANY COURT
 IN RE
 DATA LINK LTD
 AND
 IN RE
 THE COMPANIES ACT 1985
 (Section 182) (Notice of Petition)
 I, Richard John Hargrave, of 10
 The Quadrant, London EC4A 3DF,
 a Petitioner, do hereby certify that I
 presented to Her Majesty's High Court
 of Justice in London on 17th June 1996
 a Petition for the winding-up of the
 company named Data Link Limited
 (the Company) on the ground of
 the reduction of the capital of the
 Company by the directors of the
 Company in contravention of
 section 182 of the Companies Act
 1985. The Petition is supported by
 an affidavit sworn by me on 17th
 June 1996 and by a statement of
 truth sworn by me on 17th June
 1996.
 I hereby certify that the Petition
 was served on the Company by
 the said Richard John Hargrave
 on 17th June 1996.
 DATED this 17th day of June 1996
 Signed by the Petitioner
 Richard John Hargrave
 Solicitor for the Petitioner
 RJS/MS/14/96

TO PLACE NOTICES FOR THIS SECTION
PLEASE TELEPHONE

**0171-782 7344 OR
FAX: 0171-782 7827**

Notices are subject to confirmation and should be received by 2.30pm two days prior to insertion.

□ Price of nuclear shares plunges □ Titan scheme reborn □ Goods more durable than the shops that sell them

A fatal lack of energy

THOSE 600,000 private investors who bought into British Energy may like to know that Ian Lang, President of the Board of Trade, thought it went rather well. He had "cause to be pleased" with the issue; indeed, he was "very well pleased".

His smug remarks came just minutes before trading in the shares started and the price plunged to a discount, a humiliation not seen for a privatisation since the second BP sale in 1987 — and that took a full market crash to achieve. By the time the damage was known and the price had hit 92½p, the ministerial soundbites had dried up.

Instead, the usual sources were suggesting that it was all up to the market to put right. Not our fault if the City can't see the value of this fine investment, you know. Free markets reign supreme. The discount on the British Energy shares was not quite being sold as a triumph for wider and deeper share ownership, but it was not far off it.

Privately, those close to the sale were dismayed, and desperate for the price to revive before much more harm to their reputations was done. There are good reasons, alas, why the punters may be beyond revival.

The peculiar timing of this most difficult of privatisations means that while the private investor may have bought a pig

in a poke, the City was able to count its every bristle. Much of the discount that the shares went to was a result of last week's shock shutdown of two reactors, which emphasised how unstable output, and profits, were. The news came after Sid filled in his cheque, but before City institutions made their bids.

To be positive, the shares are now clearly cheap, if you believe the dividend pledges can be kept, the part-paid yielding as they do almost 19 per cent, or twice anything else in the sector. This should propel some kind of recovery, except that from the end of next week private shareholders will be able to sell. An unknown number will cut their losses and run. Retail investors in such cases tend to hang on like grim death until the price comes back to what they paid — look at how many are still in British Gas. But any sales could force the price lower again.

The Government has, for once, sold a public asset for more than it is worth, if the current market value of the company is right. This should save some trouble at the Public Accounts Committee a

few months down the line. But do not expect too many boasts about the benefits to the taxpayer from the British Energy sale in the election manifesto. Private investors have votes too.

A gigantic mug's game

OLD Titan may be frantically clawing at the lid of the box into which the Department of Trade and Industry nailed it last month, but New Titan is out and free. Those behind the controversial business club have set up its second incarnation, without the big drawback of the first, the fact that it was illegal.

Lawyers, as anyone who has ever had dealings with them will know, are utterly inflexible, and they have been asked to bless New Titan for two main improvements over its predecessor, which was condemned in the strongest possible terms by the courts. The two distinctions are a stock market quote and a clear investment purpose.

Ho hum. The quote is on the Nasdaq bulletin board, explicitly



designed for the riskiest business ventures and imposing virtually no regulatory burden. There is no way in creation that New Titan, or Titan International LLC as it is now named, could find itself on the London main market, in its present form. The investment purpose is that some of the money received will go into other high-risk ventures, which hardly sounds reassuring. The rest, as before, will be used to recruit others into the scheme.

Let us quote from the application for membership for New Titan, "I fully understand," the new recruit must pledge, "that my membership fee will not be returned should individuals I introduce to Titan International LLC fail to become members."

In other words, it is the same old game. Find new recruits and you make a killing. But once that supply of new recruits dries up, as it inevitably must if only, theoretically, because when all 55 million now alive in Britain have joined, there are no profits for the last ones in. The pyramidal nature of the venture, with one new member signing up a load more and so on down the line, means this last generation must far outnumber those already part of the scheme.

Anyone tempted to join New Titan as it tours the country must be certain that they are not part of that last generation, doomed to lose their money. But, statistically, there is no way they can have that certainty. Statistically, it is a gamble that the majority of those who take part must lose. Statistically, it is a mug's game.

Electrical failures

THE principles of competition policy in this country insist that no player is allowed to strengthen his hand by buying up the opposi-

tion and using that increased strength, once there is no more competition around, to push up prices. There is little about a player that sits back and cheerfully watches the existing competition gradually sicken and die.

The death of yet another electrical retailer, Escom, the specialist computer chain, concentrates yet more power among the survivors. A recent report from Verdict, the retail consultancy, concluded that it was impossible to make money selling electrical goods in the high street. It is a conclusion hard to dispute as one surveys the corpses of those who have tried.

Earlier this year, Powerstore turned up its toes, having been the most aggressive and ambitious of the independents not long before. Escom itself was created out of the remains of Rumbelows, the rest of which was closed by Thorn EMI as the former owner despaired of ever turning it around. Clydesdale, the Scottish group, went bust in 1994. The result is that if you buy a new stereo system or dishwasher today, you will buy it from an out-of-town shed, owned

either by Dixons or by a business such as Comet or the Scottish Power shops that have the support that comes from being part of a larger group.

Much has been said about margins in electrical goods. But margins are the product of a free market and if they are out of line with market realities they should be self-correcting. Part of the problem is that today's gadgets are too reliable — they last too long before they need replacing. But if there emerge just two or three high street chains for the consumer to choose from, normal economic theory says that margins will rise from the barely sustainable to the more profitable. That is, the survivors will put the prices up. They say they won't. But they will.

Chips are down

THE Government, or rather, you and I, paid £200 million to find jobs for 2,000 Tynesiders. That aid went to Siemens, now dithering over phase 2 of the same Tyneside factory because of a fall in the price of computer chips. Might Siemens be persuaded to reconsider, in return for a few million more? And does anyone still remember the days when it was the worldforce, not the factory owner, that threatened to down tools unless more cash was forthcoming?

BAT shakes up financial services to combat rivals

By MARIANNE CURPHEY

BAT Industries has responded to fierce competition in personal financial services by launching a major revamp of its brands, including Allied Dunbar and Eagle Star.

The company said that it hoped to save £50 million a year over the next five years and that some jobs would be lost when computer services were amalgamated.

Sandy Leitch, chief executive of the newly created umbrella group, British American Financial Services (BAFS), declined to say how many staff would go. He said that Eagle Star had already shed 600 jobs and Allied Dunbar 250 jobs in recent months. "Job losses over and above what we are already doing are unlikely this year," he said.

Mr Leitch said that the new

group's name underlined BAT's commitment to both financial services and tobacco. "We are not considering a demerger at the present time at all," he said.

BAFS will include Farmers in the US and Threadneedle Asset Management in the UK. Threadneedle currently manages the assets of Eagle Star and Allied Dunbar.

Martin Broughton, chief executive of BAT, will become chairman of BAFS, and Mr Leitch, the current chairman of the three UK brands, will become chief executive of the new group.

BAT has been conducting a fundamental review of its business over the past year and had considered merging all three businesses into one "mega-brand". Last month

The Times revealed that BAT had shelved plans to buy a building society because it believed that the retail banking sector was too crowded and too competitive.

Mr Leitch said yesterday: "The price of buying a bank-assurer is too high, as is the cost of maintaining high street branches."

He said that BAT was, instead, planning "rapid aggressive expansion", which included developing existing brands and acquiring new businesses. Buying a life mutual or a healthcare company had not been ruled out, he said. The group was also looking to grow in Asia and had applied for a licence to sell life products in China.

The news saw BAT's share price rise 6p, to 484p. The

shares have been languishing recently and since Allied Dunbar has no orphan assets and Eagle Star has very few, BAT has not enjoyed the boost to shares that other life companies have recently experienced.

After the revamp, Allied Dunbar will offer advice and protection, pensions and Threadneedle-branded investment products. Threadneedle will be aimed at the serious investor, with an initial focus on lump-sum investments, and Eagle Star will develop mass-market general, life, pension and investment products. Eagle Star aims to increase the number of products that it sells by telephone.

Tempus, page 26

'Error' by Cardcast hits shares

SHARES of Cardcast, the AIM-listed credit card protection company, fell 7p to 73p yesterday when it emerged that it had not signed a deal with Credit Mutuel, the French bank (Fraser Nelson writes).

Cardcast announced last Tuesday that it had signed a contract to supply Credit Mutuel with "Hot Card" files, detailing credit cards stolen in the UK, which would have represented the company's first overseas deal. The news sent Cardcast's shares up 1p, to 81p.

Nigel Whitaker, Cardcast's non-executive chairman, said that the premature announcement was due to "a genuine mistake at executive level", and that there had never been an intention to deceive.

New-look Eidos is playing to win

By FRASER NELSON

EIDOS, the former software technology group now specialising in computer games, yesterday distanced itself from the £1.95 million loss it ran up in the 15 months to March 31, saying that its future results would bear no comparison.

Charles Cornwall, chief executive, said that the group, which recorded a loss of £114,000 previously, had broken from its loss-making history after investing £41 million in the computer games market. Mr Cornwall said: "For the last three years, we ate money rather than produced it. But after buying the games companies, we have completely transformed from what we were."

Group sales were £3.7 million (£254,000), with a £3.5 million contribution from Domark, Simis and Big Red,

the computer games companies bought in October for £15 million.

In April, the group bought CentreGold for £24 million. CentreGold is due to launch 19 games over the next 12 months. The group has also sold CentreGold's distribution business for £7.5 million.

Analysts estimate that the new releases, which include the exclusive games rights to the Atlanta Olympics, will lift sales to £57 million by next March, creating pre-tax profits of £7 million and earnings of 50p per share.

However, the company said that sales of their latest release, Big Red Racing, had been poor because of the popularity of the free taster version available on the Internet.

Losses per share were 44p (4.16p). There is no dividend.

Therapeutic scales back float price

By ERIC REGULY

THE rapid decline of biotechnology shares yesterday forced Therapeutic Antibodies to scale back its flotation price to 52½p per share from an expected range of 700p to 800p.

The company, which uses a sheep's bloodstream to produce antibodies for the treatment of drug overdoses and snake bites, sold 4.19 million shares, raising £22 million before expenses, in an institutional placing.

The sale capitalises Therapeutic Antibodies at about £112 million, compared with an estimate last month of £150 million.

The shares, which are underwritten by British Linen Bank, will begin trading on the London Stock Exchange on July 23.

Tempus, page 26



Peter Wood, right, chief executive, with John Samuel, finance director, yesterday

Ellis to continue expansion

By ALASDAIR MURRAY

PETER WOOD, chief executive of Ellis and Everard, revealed yesterday that the industrial chemicals distributor was seeking more bolt-on acquisitions after spending £18 million on five new purchases during the past year.

Mr Wood said that last year's acquisitions, which included George Mann, a US chemicals distributor, and Surphos, a European distributor of surfactants and phosphates, would in-

crease sales by £60 million this year and would enhance earnings. Mr Wood added that trading was in line with expectations during the first part of this year.

Full-year pre-tax profits, excluding exceptional items, rose 22 per cent, to £21 million, for the year to April 30, in spite of a bumpy ride from fluctuating raw material costs, although these stabilised towards the end of last year. The company is now enjoying a small drop in

material prices, which will help margins.

The total dividend was raised by 10 per cent, to 9.2p. Gearing was halved to 16 per cent, while free cashflow increased to £39 million. European operating profits rose 15 per cent, while American profits increased by 18 per cent.

Ellis shares rose 2p to close at 282p. A final dividend of 6.2p is payable on October 7.

Tempus, page 26

Mercury sells stake in paging

By ERIC REGULY

MERCURY Communications yesterday sold its 51 per cent stake in Mercury Paging to an American management team for £30.6 million.

The paging company's other shareholders, Motorola and Mobile Telecommunications Technology, have also sold their shares, raising the total proceeds to about £60 million.

The buyers are Janice Fuelhart, the former chief executive of USA Mobile, one of America's largest paging companies, and Richard Reiss, a partner in Cumberland Associates, a private investment firm that was an investor in USA Mobile. Their bid was financed by a group of international investors led by CS First Boston and the Metropolitan Life Insurance Co.

Mercury, owned 80 per cent by Cable and Wireless, sold Mercury Paging, which has 250,000 users and is to be renamed Page One Communications, because of its relatively low penetration rates. It will, however, continue to offer paging services and will use Mercury Paging to operate those services.

The new management team said it plans to "invest significantly" in the business and will soon launch a big marketing campaign. The new owners hope to raise the penetration rates to the high levels found in America.

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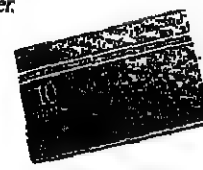
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Company fears for contract as Aborigines defeat mine

RTZ drops zinc plan after protests

FROM RACHEL BRIDGE IN SYDNEY

RTZ, the mining company, yesterday abandoned plans to build a \$1.1 billion (£564 million) zinc mine in Australia. RTZ, led its controversial request for new legislation to enable it to bypass Aboriginal land rights in the face of intense pressure from communities near the site, in northern Queensland.

RTZ fears that it is now extremely unlikely to be able to fulfil a contract with a leading Dutch customer that was to have been the key to the viability of the entire Century Zinc project. All work at the mine

was yesterday halted and virtually all of the 100 staff from RTZ-CRA, RTZ's Australian arm, were removed.

RTZ's action follows weeks of increasingly bitter clashes between local Aboriginal groups and the Australian federal and state governments over the mine.

Leigh Clifford, CRA managing director, said: "It will be difficult to develop the project in the timeframe required to meet the needs of its major customer. Failure to do so will result in the size, markets and development timing for the project becoming uncertain."

Admitting that its approach had be-

come "highly divisive", RTZ said that it would now be acting under the provisions of the Native Title Act, which safeguards Aboriginal rights.

The Native Title Act gives Aboriginal groups the right to negotiate with the developer, and could take up to 14 months to work through.

RTZ and its Australian outlet have already spent more than \$200 million on developing the mine, which, analysts say, had the potential to become the largest zinc mine in the world, with annual export earnings of about \$500 million.

THE
TIMES
CITY
DIARY

Not exactly bubbling over

NOT a cloud on the horizon yesterday when, after so many false starts, the age of paperless stock market share trading finally dawned. Or so it seemed. Crest, the new settlement system, had been running faultlessly since dawn and the first deals had been logged. Imagine then the consternation when minutes before Chancellor Kenneth Clarke, accompanied by Angela Knight, his Treasury Minister, were due to arrive for the unveiling of a specially commissioned sculpture. It was discovered that there was not nearly enough "sparkling wine" to go round. Ministers were dispatched to the nearest store — a Safeways supermarket directly below Crest's office.

Self-conviction

VOLUNTEERING to be a guinea pig to test the taxman's new self-assessment programme can be a dangerous business. Of the 20,000 volunteers in Leicester and Southampton, who have spent the last two years filling in the new tax returns as part of the Revenue's introduction of its self-assessment system, more than one has lived to regret it. During the course of the pilot, certain irregularities came to light in their tax affairs. Now they face the full weight of the Revenue.



"No panic — any minor leakage in our share price is merely routine"

Wilson? Who he?

SOUTHERN ELECTRIC shareholders who recently received news about their annual meeting will have done so with some puzzlement. Item three on the agenda is to reappoint Geoffrey Wilson. This is the same Mr Wilson who had in fact said last week that he was stepping down as chairman and leaving the company. The boardroom shake-up, announced after Southern Electric's failed bid for Southern Water, must have moved to suit the administrative machine.

Sinking feeling

AN OMINOUS sign for Blue Star Line, one of the 15 City institutions who took part in the St John Ambulance Dragon Boat Race last weekend. As excited spectators gathered round the edge of Millwall Dock, in anticipation of the first race, the team from Blue Star Line, decked out in war paint and T-shirts splashed with the company name, made its way to the starting line. Unfortunately for the shipping company — its boat sank. Meanwhile British Airways beat Merrill Lynch and Save & Prosper for the dragon's head cup.

BUPA looks to be heading down the same flight path as its rival PPP Healthcare. Valerie Gooding, who was yesterday appointed managing director of UK operations, was a former British Airways director. But, for now, PPP Healthcare has the monopoly. Peter Owen, group chief executive, Bob Challens, managing director of PPP Healthcare, and Denis Walker, human resources director, are among a crew of former BA employees at PPP.

MORAG PRESTON

Public sector puzzle casts shadow over jobs figures

Philip Bassett on the contradictory data that has left Whitehall number crunchers worried

THE Government hopes to announce a further fall in unemployment tomorrow. But behind the headline figures on the number of people out of work may lie further clues about a problem worrying Whitehall statisticians: the apparent growth of the public sector.

In the Thatcherite 1980s, cutting back the public sector was a totem of government policy. The Conservative Government since then has been keen to keep overall public spending under control by holding the size of the public sector under a tight rein, which is why a rise in public sector employment is both a concern to officials, and an embarrassment to Tory ministers.

The Government's jobs record will come under new scrutiny today when the Employment Policy Institute, the independent jobs pressure group, launches the first of its quarterly employment audits — a regular examination of the UK labour market. MPs on the Commons' all-party employment committee will also today begin looking hard at what ministers regard as a key aspect of labour market issues — Britain's non-wage labour costs. And leaders of the Institute of Directors will also argue that the UK's social costs are far too high.

For its part, Labour is promoting new figures, drawn from official data, showing that 9.4 million people have experienced at least one spell of unemployment since the last general election. The Government, already promoting the UK's jobs record against other EU countries, will be heartened by a report to be published on Thursday, by the OECD, forecasting that Britain's unemployment performance is likely to outpace most main economic competitors.

But larger, structural shifts, such as an apparent reverse in the shrinking size of the public sector, carry an underlying importance. Figures from the Treasury show public sector jobs are in decline. In 1961, when the UK workforce stood at 24.5 million, the public sector totalled 5.9 million, compared to 18.6 million in the private sector.

Two decades later, with the workforce roughly constant, the private sector had declined to 17.3 million, while the public sector had increased to 7.2 million. Conservatives, appalled by this growth under the Labour administrations of the 60s and 70s, started hacking back the public sector. By 1993, the results were apparent: public sector numbers were down to 5.5 million, while private sector jobs had soared to 19.6 million.

The following two years saw the trend continue, so that by 1995 total jobs in the private sector stood at 20.3 million, up by



Hospitals are one area of the public sector showing a tendency to expand part-time or temporary employment

17 per cent since 1981. Public sector employment, meanwhile, was down to 5.3 million, a drop of 27 per cent on its 1981 level.

So far, so clear. Some of this is straight headcount reduction: the Government now employs, for example, fewer white-collar civil servants than it did. However, new initiatives demand new staff, and some cyclical events, such as unemployment rising and falling, have knock-on effects on staff numbers.

Some of it is a result of privatisation. With large bodies, such as BT, British Gas, and the electricity and water companies, moving into the private sector, overall public sector numbers fall. From 1989, universities, polytechnics, and state schools opting out of local authority control were reclassified as non-profit-making private sector bodies, and a similar transfer took place four years later for further education colleges.

But if the Treasury's figures seem to be telling a clear story, what is worrying Whitehall is a separate set of numbers which seems to be showing, in recent months at least, entirely the opposite. The Government will tomorrow release the first snapshot results from its quarterly Labour Force Survey (LFS), taken from a sample of 60,000 households in Britain.

LFS figures showed, until the winter and spring of 1994-95, a steady reduction in public sector employment. Since then, however, the public sector headcount has been on the up. The last two quarters have seen rises of 65,000 and 45,000.

Whitehall statisticians admit privately that at first they simply didn't believe the figures. Now satisfied that the LFS's figures are at least statistically right, they've been trying to find out what is going on. By gender, the detailed figures show a rough equivalence. Public sector

male employment has been rising slowly but steadily — up by a net 62,000 over the past year. At the same time, public sector female jobs are up by a net 74,000.

Part-time work in the public sector has seen some sharp increases. Over the past year, total part-time employment in the public sector has risen by 134,000, while part-time private sector jobs rose by 56,000. Incomes

Data Services, the independent labour market analyst, suggests that many public sector bodies, such as hospitals, are showing a "tendency to expand part-time and temporary employment".

The Government produces two main forms of employment data. The first, the Workforce in Employment (WIE) series, is based on a survey of employers. The second, the LFS figures, are a count of a sample of individuals at home. The two

WORKFORCE

Public and private sector employment in millions

	Public	Private
1993 Autumn	5,094	18,821
Winter	5,028	18,782
1994 Spring	5,048	18,921
Summer	5,084	19,246
Autumn	5,281	19,318
Winter	5,334	19,170
1995 Spring	5,580	19,227
Summer	5,629	19,513
Autumn	5,624	19,367
Winter	5,659	19,243

Source LFS

Road to a better transport network is paved with increased investment

The CBI is today launching a new report calling for more investment in the UK's transport infrastructure. Adair Turner explains why business wants to see more money spent on our transport links.

RECENT transport policy statements by both the Government and the Labour Party have one worrying thing in common. Neither says how much needs to be invested to maintain and develop our transport network to a decent standard.

In a political climate charged by hopes of tax cuts and fears of tax rises, increasing transport investment is unpopular with any party. But in terms of business competitiveness and broader quality of life, it must be a top priority. The CBI recognises the need for more priority to be given to public transport investment. But this should take place within an increased overall level of investment. Some road traffic growth remains inevitable and cannot be stopped just by switching resources to rail and away from roads. Potholes will not go away just because of added pressures on public spending.

The economic and environmental costs of congestion — £15 billion to £20 billion each year — will not fall without greater investment. And our ability to square the circle of environmental pressures and the needs of businesses through more environmentally sensitive road schemes, with greater use of tunnelling and other techniques, demands more investment not less.

Businesses across the UK have identified the need for urgent improvements across all transport modes. The investment proposals that the CBI is unveiling today in our report *Winning ways*, aim to tackle congestion, develop strategic corridors serving major markets, and manage



Adair Turner: "Without investment we will pay later through a lower quality of life"

some of the environmental impacts arising from transport. Over the next ten years, we believe transport infrastructure investment needs to rise to an annual average of more than £11 billion, financed by the public and private sectors. That compares with an average £8.75 billion invested each year in the past decade.

The range of business priorities for investment is wide. Improving strategic routes and networks by completing what is left of the national roads programme within 10 years is important, as equally is Railtrack's 10-year investment programme. Developing facilities at airports and ports throughout the UK, and particularly the links to these international gateways, is also vital for a country that is the world's fifth-largest importer and exporter.

But local transport improvements are also important. Greater resource is needed to improve local roads, including

bus priority and cycling measures to help to encourage a shift of demand away from cars. Further progress is needed on modernising the London Underground and developing light rail systems in a number of cities (eg, Manchester).

Equally, the CBI investment priorities highlight the need to invest more in research and development of new technologies in transport — 50 per cent more, in the case of publicly funded R&D programmes. This is critical to developing new ways of making better use of the existing network and to reducing the environmental impact of transport.

In *Winning ways* we say that nearly half of the proposed investment should be allocated to maintenance and renewal of existing road and rail networks. With a quarter of our motorways and trunk roads in need of major structural repair in the next nine years, for example, the need

just to bring the current infrastructure up to scratch is as important as increasing capacity. Improving the maintained quality of roads and speeding up the maintenance and repair process, are key to ensuring efficient use of the existing network.

The level of investment sought represents a 10 per cent increase on the high-water-mark year of 1992-93. We believe that this expenditure should be a high priority within public expenditure; it is more important to business competitiveness than tax cuts.

Over time, more of this will come from private-sector investment — we estimate very roughly one third — but there will still be a major role for classical public capital expenditure, and even the privately financed investment needs to be paid for by Government or by other revenue streams in the future.

We therefore recognise that there needs to be hard thinking about how to sustain the

higher level of investment. Government and the private sector must establish — possibly through fiscal reform and direct charging for road use — new, dedicated revenue streams that can finance future investment.

Greater investment alone is not a solution to our transport problems. We have said quite clearly that it needs to be part of a much broader strategy, encompassing better land use, planning, the encouragement of multi-modal links and fiscal reform that sends better signals about the use of scarce resources.

But, sadly, it is politically convenient at the moment to underplay the need to invest. Without that investment we will pay later through a lower quality of life. Through increased accidents when local road safety schemes are left on the shelf. Through congestion inside and outside peak hours on stretches of the strategic road network.

Or, indeed, through the missed chances to enhance our lives by providing infrastructure that delivers more reliable bus and rail services; developing international gateways that keep this country at the centre of world culture and trade; and paying for roads that are more expensive but quieter and less visually intrusive. Not to mention the chances missed in creating jobs in the still depressed construction industry.

These are the benefits that all too often are overlooked amid the focus on simply reducing capital expenditure. Increased investment is a key to both more efficient business and a better quality of life. The sooner that point is readily understood by all parties the better. The sooner we then get on with finding new ways of paying for the investment we need, the more rapidly we can make the investments we need.

The author is the Director-General of the CBI



ANATOLE KALETSKY

Tax cuts that are duty-free

I can today reveal a top-secret Budget judgment. Despite his reputation as a latter-day Iron Chancellor, Kenneth Clarke has decided to give the British public a big pre-election tax cut, worth far more than backbench Tories had dared to imagine in their wildest dreams. Next year's tax cut will be worth £6 billion and its value will increase even further if the Tories are re-elected in 1997.

How did I get wind of this most hallowed of government secrets? I cannot, of course, reveal my source by name. But suffice it to say that he (or she) is a highly-placed and authoritative government official. Even more importantly, I can now assure you that the figure I was passed has been effectively confirmed in an official statement by the Chancellor.

Table 2.2 of the summer economic forecasts, published by the Treasury last week shows that Mr Clarke now expects to raise only £298.2 billion in total taxes in 1997-98 — £5.8 billion less than the tax collections of £304 billion planned in last November's Budget. Since this happens to be almost exactly equal to my leaked figure for tax cuts of £6 billion, I can have complete confidence in passing on this information.

Those of you who share with me a Keynesian outlook on economics need not accuse me of apostasy; I am not saying that the Chancellor should recoup the "lost" £6 billion, which was partly (though only partly) caused by weak economic growth. All I am saying is that the economy is already enjoying a bigger fiscal stimulus than expected. Furthermore, there are many individuals and companies in Britain now paying substantially less in tax than Parliament had intended — and this, too, should be taken into account in designing future budgets.

If it is true, as the Treasury maintains, that new ways have been found by companies and individuals to avoid paying VAT and corporation taxes, then Gordon Brown is being perfectly logical when he says that a Labour government could raise billions of pounds in new revenues simply by closing such loopholes. Let me give a small but

telling example. A few weeks ago BAA, owner of Britain's main airports and, therefore, the nation's biggest retailer of duty-free goods, began a poster campaign with the following slogan: "If you don't want to pay VAT, then don't. To avoid paying VAT call 0800 544844."

As it happened, I had considered buying a £700 camcorder duty-free the last time I went through Heathrow. However, I suspected that I would be guilty of smuggling if I brought it back into Britain without paying VAT. Nobody at the airport told me this, and when I saw the BAA boardings all over London I began to suspect that perhaps I was wrong — maybe it was perfectly legal to avoid VAT whenever I travelled.

I phoned the BAA number and asked whether there was any restriction on the goods which I, as a British resident, could buy free of VAT (in fact it is illegal to bring duty-free goods worth more than £75 into Britain from a trip to the EU). I was told there was not. In fact, BAA would guarantee me a saving equal to the VAT on anything I bought duty-free at Heathrow. I then asked whether I would have to pay VAT when I returned to Britain. The operator said: "I don't think so, no." A BAA executive I spoke to gave me a similar answer.

That duty-free retailers should push for business as hard as the law allows is perhaps not surprising. What did surprise me was the Government's indifference to this tax-avoidance campaign. Neither Customs & Excise nor the Treasury had even noticed the BAA posters. Indeed, the British Government has always defended the scam of duty-free sales against the other governments of Europe.

BAA and the cross-channel ferries are powerful lobbyists for duty-free sales. But Tory backbenchers should remember that every time the Chancellor gives a lobbyist a tax break, he is handing out a tax cut: the same money cannot be handed out a second time as a pre-election tax bribe. So be grateful for the tax cuts the Treasury has handed out already; you can claim yours by going to the airport or hiring a good accountant.

Until July 26th, everything's coming up roses with NetWare 4.1.

You'll have to be quick. The Novell Summer Promotions end July 26th. For more details call our Novell hotline on 01344 724 100.

Losses extended

TRADING PERIOD: Settlement takes place five business days after the day of trade. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.

1996	1995	1994	1993	1992	1991	1990	1989	1988	1987	1986	1985	1984	1983	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971	1970	1969	1968	1967	1966	1965	1964	1963	1962	1961	1960	1959	1958	1957	1956	1955	1954	1953	1952	1951	1950	1949	1948	1947	1946	1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935	1934	1933	1932	1931	1930	1929	1928	1927	1926	1925	1924	1923	1922	1921	1920	1919	1918	1917	1916	1915	1914	1913	1912	1911	1910	1909	1908	1907	1906	1905	1904	1903	1902	1901	1900	1899	1898	1897	1896	1895	1894	1893	1892	1891	1890	1889	1888	1887	1886	1885	1884	1883	1882	1881	1880	1879	1878	1877	1876	1875	1874	1873	1872	1871	1870	1869	1868	1867	1866	1865	1864	1863	1862	1861	1860	1859	1858	1857	1856	1855	1854	1853	1852	1851	1850	1849	1848	1847	1846	1845	1844	1843	1842	1841	1840	1839	1838	1837	1836	1835	1834	1833	1832	1831	1830	1829	1828	1827	1826	1825	1824	1823	1822	1821	1820	1819	1818	1817	1816	1815	1814	1813	1812	1811	1810	1809	1808	1807	1806	1805	1804	1803	1802	1801	1800	1799	1798	1797	1796	1795	1794	1793	1792	1791	1790	1789	1788	1787	1786	1785	1784	1783	1782	1781	1780	1779	1778	1777	1776	1775	1774	1773	1772	1771	1770	1769	1768	1767	1766	1765	1764	1763	1762	1761	1760	1759	1758	1757	1756	1755	1754	1753	1752	1751	1750	1749	1748	1747	1746	1745	1744	1743	1742	1741	1740	1739	1738	1737	1736	1735	1734	1733	1732	1731	1730	1729	1728	1727	1726	1725	1724	1723	1722	1721	1720	1719	1718	1717	1716	1715	1714	1713	1712	1711	1710	1709	1708	1707	1706	1705	1704	1703	1702	1701	1700	1699	1698	1697	1696	1695	1694	1693	1692	1691	1690	1689	1688	1687	1686	1685	1684	1683	1682	1681	1680	1679	1678	1677	1676	1675	1674	1673	1672	1671	1670	1669	1668	1667	1666	1665	1664	1663	1662	1661	1660	1659	1658	1657	1656	1655	1654	1653	1652	1651	1650	1649	1648	1647	1646	1645	1644	1643	1642	1641	1640	1639	1638	1637	1636	1635	1634	1633	1632	1631	1630	1629	1628	1627	1626	1625	1624	1623	1622	1621	1620	1619	1618	1617	1616	1615	1614	1613	1612	1611	1610	1609	1608	1607	1606	1605	1604	1603	1602	1601	1600	1599	1598	1597	1596	1595	1594	1593	1592	1591	1590	1589	1588	1587	1586	1585	1584	1583	1582	1581	1580	1579	1578	1577	1576	1575	1574	1573	1572	1571	1570	1569	1568	1567	1566	1565	1564	1563	1562	1561	1560	1559	1558	1557	1556	1555	1554	1553	1552	1551	1550	1549	1548	1547	1546	1545	1544	1543	1542	1541	1540	1539	1538	1537	1536	1535	1534	1533	1532	1531	1530	1529	1528	1527	1526	1525	1524	1523	1522	1521	1520	1519	1518	1517	1516	1515	1514	1513	1512	1511	1510	1509	1508	1507	1506	1505	1504	1503	1502	1501	1500	1499	1498	1497	1496	1495	1494	1493	1492	1491	1490	1489	1488	1487	1486	1485	1484	1483	1482	1481	1480	1479	1478	1477	1476	1475	1474	1473	1472	1471	1470	1469	1468	1467	1466	1465	1464	1463	1462	1461	1460	1459	1458	1457	1456	1455	1454	1453	1452	1451	1450	1449	1448	1447	1446	1445	1444	1443	1442	1441	1440	1439	1438	1437	1436	1435	1434	1433	1432	1431	1430	1429	1428	1427	1426	1425	1424	1423	1422	1421	1420	1419	1418	1417	1416	1415	1414	1413	1412	1411	1410	1409	1408	1407	1406	1405	1404	1403	1402	1401	1400	1399	1398	1397	1396	1395	1394	1393	1392	1391	1390	1389	1388	1387	1386	1385	1384	1383	1382	1381	1380	1379	1378	1377	1376	1375	1374	1373	1372	1371	1370	1369	1368	1367	1366	1365	1364	1363	1362	1361	1360	1359	1358	1357	1356	1355	1354	1353	1352	1351	1350	1349	1348	1347	1346	1345	1344	1343	1342	1341	1340	1339	1338	1337	1336	1335	1334	1333	1332	1331	1330	1329	1328	1327	1326	1325	1324	1323	1322	1321	1320	1319	1318	1317	1316	1315	1314	1313	1312	1311	1310	1309	1308	1307	1306	1305	1304	1303	1302	1301	1300	1299	1298	1297	1296	1295	1294	1293	1292	1291	1290	1289	1288	1287	1286	1285	1284	1283	1282	1281	1280	1279	1278	1277	1276	1275	1274	1273	1272	1271	1270	1269	1268	1267	1266	1265	1264	1263	1262	1261	1260	1259	1258	1257	1256	1255	1254	1253	1252	1251	1250	1249	1248	1247	1246	1245	1244	1243	1242	1241	1240	1239	1238	1237	1236	1235	1234	1233	1232	1231	1230	1229	1228	1227	1226	1225	1224	1223	1222	1221	1220	1219	1218	1217	1216	1215	1214	1213	1212	1211	1210	1209	1208	1207	1206	1205	1204	1203	1202	1201	1200	1199	1198	1197	1196	1195	1194	1193	1192	1191	1190	1189	1188	1187	1186	1185	1184	1183	1182	1181	1180	1179	1178	1177	1176	1175	1174	1173	1172	1171	1170	1169	1168	1167	1166	1165	1164	1163	1162	1161	1160	1159	1158	1157	1156	1155	1154	1153	1152	1151	1150	1149	1148	1147	1146	1145	1144	1143	1142	1141	1140	1139	1138	1137	1136	1135	1134	1133	1132	1131	1130	1129	1128	1127	1126	1125	1124	1123	1122	1121	1120	1119	1118	1117	1116	1115	1114	1113	1112	1111	1110	1109	1108	1107	1106	1105	1104	1103	1102	1101	1100	1099	1098	1097	1096	1095	1094	1093	1092	1091	1090	1089	1088	1087	1086	1085	1084	1083	1082	1081	1080	1079	1078	1077	1076	1075	1074	1073	1072	1071	1070	1069	1068	1067	1066	1065	1064	1063	1062	1061	1060	1059	1058	1057	1056	1055	1054	1053	1052	1051	1050	1049	1048	1047	1046	1045	1044	1043	1042	1041	1040	1039	1038	1037	1036	1035	1034	1033	1032	1031	1030	1029	1028	1027	1026	1025	1024	1023	1022	1021	1020	1019	1018	1017	1016	1015	1014	1013	1012	1011	1010	1009	1008	1007	1006	1005	1004	1003	1002	1001	1000	999	998	997	996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Pot luck in print

A MARCH 1996 has gone on the record admitting that he has almost certainly lost his seat in the House of Commons. The Conservative MP, who has been a member since 1992, is now facing a challenge from a Labour candidate in the next election. The MP, who has been a member since 1992, is now facing a challenge from a Labour candidate in the next election. The MP, who has been a member since 1992, is now facing a challenge from a Labour candidate in the next election.



LAW

● NEW DIRECTIONS 33
● LAW REPORT 21



A nurse confronts violence in BBC's *Casualty*: how far could accident and emergency departments go to tell the police about criminal behaviour?

The casualty criminals

Behind the dry statistics of casualty departments lie many cases of uninvestigated crime, says Jonathan Shepherd

The existence of unrecorded crime has been acknowledged since the first British crime survey was published in 1983. It is also almost ten years since my research group, by studying victims treated in casualty departments, confirmed the extent of unrecorded violence. The police record only about a quarter of those seriously injured enough to need hospital treatment. Yet, apart from a determined effort by Victim Support to educate doctors about the effects of crime, virtually nothing has changed in the way that casualty, often now accident and emergency, departments interact with the criminal justice system.

It is a continuing source of frustration for surgeons who treat patients with serious face injuries that more offences are not recorded or investigated. In a wider context, it is symptomatic of separately focused medical and legal perspectives that the *Journal of Criminal Behaviour & Mental Health* declared that "casualty departments are largely black holes into which victims are drawn, to be regurgitated back to their homes and communities without any attempt at prevention, protection, or support, or the apprehension and conviction of their assailants, who remain at liberty to inflict further physical and psychological harm".

The only code of practice for casualty-police interaction relates not to the larger problem of unreported offences but simply to responses to police requests for information.

On the casualty department side, research has found some astonishingly judgemental attitudes; for example, that the

injured are largely responsible for their own injuries, and that anyone hurt after drinking alcohol should be made to pay for their treatment.

These beliefs are not just held only by some coal-face casualty doctors. During a recent discussion about ways in which joint working might be improved, one consultant felt it was unethical to report serious violence on the ground that victims would be "shopped". He assumed that most were injured while breaking the law.

Uncertainty about roles also plays a part. Is it reasonable for the police to hang around the casualty department on the off-chance that a troublemaker or victim will turn up? Isn't it a mistake to risk breaching confidentiality by passing on information about the injured?

It is often assumed that casualty departments are so busy that no time is available for inter-agency liaison about individual patients. But research shows that casualty staff very rarely cite lack of time as a reason. It is impossible to justify lack of liaison in relation to child protection.

On both sides of the At-

lantic, violence and the fear of violence has assumed such importance that it is surprising that formal casualty department/criminal justice joint working has not been considered before. Though only about 5 per cent of new patients who attend casualty departments have been injured in violent crimes — just over 3,000 a year in the casualty department through which my own patients come — every one provides an opportunity for supporting the victim and preventing future crime.

To bring agencies together, I propose five reforms. First, a code of practice in relation to the reporting of serious violence by casualty department staff, without the victim's consent in some circumstances, for example if the victim is unconscious or if a firearm has been used.

Dunblane inquiry is an excellent opportunity to recommend that all firearm injuries of people who go to casualty departments are investigated by the police. Illegal gun ownership is known to be a serious problem; here is a new way to help to detect illegal use.

Second, victims attending casualty departments should be encouraged to report offences if this is in their medical interests; for example, if there is a risk of further physical or psychological harm. All vic-

tims should be given the opportunity to report offences to the police at the earliest time. Third, casualty departments should be integrated into community crime-prevention schemes by the universal appointment of police liaison officers and by making available on a regular basis anonymous casualty information about violence in particular locations such as bars or certain streets.

Fourth, formal links between victim-support organisations and large casualty departments should be established in the same way as Crown Court witness-support schemes have been developed.

Services for this group of patients are rarely available, although psychological and social support is important. Because mental health resources would soon be overwhelmed if victims were referred in any number, a partnership between the voluntary sector and the National Health Service should be formed. Health authorities and social services are now able to buy this support in the same way as, for example, chaplaincy services.

Fifth, casualty department computers should be standardised and networked, with the proper safeguarding of confidential information, to produce an annual report on violence to complement the British Crime Survey. This could also be an important, and inexpensive way of measuring the effects of crime-prevention schemes. Assessments by

These areas are largely black holes in crime prevention

Crime Concern, the national crime-prevention organisation, of crime risk would be greatly strengthened if casualty data were included.

In a recent four-month assessment of city-centre crime in Cardiff, Crime Concern identified only 125 recorded street assaults, whereas 448 people who had been assaulted in the same locations during the same period attended the casualty department for treatment. Such reforms would need careful planning and, like child protection, should be developed on a sound legal and ethical framework. There is no doubt that some people are injured while committing criminal offences and that all the circumstances of assaults rarely emerge during a casualty department consultation.

But there is still much to gain by illuminating this dark corner of unrecorded crime.

● The author is Professor of Oral & Maxillofacial Surgery at the University of Wales College of Medicine in Cardiff.

Lawyers will be the real winners

The European Court of Justice decided in the *Francovich* case in 1991 that a member state could be liable in damages for a breach of European law which caused loss to an individual. In three recent cases, the court has attempted to identify more precisely the circumstances in which damages may be awarded. But it has produced a confusing set of conflicting principles that pose more questions than they answer.

In *Francovich*, the Italian Republic failed to implement a directive on the protection of employees on the insolvency of an employer. The court stated that there was a "right to reparation" if a directive was intended to confer individual rights, the content of which can be identified in the text, and if there is a causal link between the breach of the directive and the damage suffered by the injured party.

This statement of principle caused great concern to many member states. Some directives are — to put it politely — difficult to interpret, and the failure of a state to arrive at the correct answer may not involve any fault on its part. To impose liability in damages might deter states from agreeing to draft directives, and could inhibit policy-making.

The European Court was made aware of such concerns in the written and oral submissions of member states in the recent litigation. In March, the court decided two joined cases, *Brasserie du Pêcheur* and *Factortame (No 4)*, concerned a breach by the United Kingdom of Article 52 of the treaty (on freedom of establishment) by reason of the provisions of the Merchant Shipping Act 1988.

The court said that, by contrast with *Francovich*, it was here dealing with cases in which a member state had a wide discretion. For that reason, there could be a liability in damages only when the rule of law infringed was intended to confer rights on individuals, when the breach is "sufficiently serious", and when there was a "direct causal link" between the breach and the damage. This analysis sensibly limited liability for a breach of the treaty by imposing a test of fault in the adoption of the "sufficiently serious" criterion. However, the court implied that damages would be easier to obtain when there is a breach of European Union law in a context where a specific obligation is imposed on a member state.

It was, then, somewhat surprising that three weeks later, in *R v HM Treasury ex parte British Telecommunications plc*, the

court applied the same criteria on damages to a case concerning a breach of a directive in respect of which (on the court's own interpretation) member states had no discretion, but a specific duty. The judgment in *BT* makes no sense other than on the basis that all directives confer a discretion on member states in some respects, even if not in respect of the provision which has been breached. But if that is the principle, it would conflict with the reasoning in *Brasserie du Pêcheur*. In particular, its explanation of the *Francovich* decision.

The problems have been exacerbated by the latest judgment of the court on damages, delivered in May, in *R v MAF ex parte Hedley Lomas (Ireland) Ltd*. The United Kingdom acted in breach of Article 34 of the treaty by banning the export of live animals to Spain because of concern about the conditions in Spanish slaughterhouses. The court said that the *Brasserie du Pêcheur* criteria applied, even though this was not a case where the member state enjoyed a discretion. However, it added that where, at the time when it committed the infringement, "the member state was not called upon to make any legislative choices and had only considerably reduced, or even no, discretion, the mere infringement of community law may be sufficient to establish the existence of a sufficiently serious breach."

This conflicts with both *BT*, and with *Brasserie du Pêcheur*. In those cases the court had rightly made the application of the "sufficiently serious" criterion substantially dependent on the member state's fault in failing to understand the limits on its powers. Now we are told that the criterion of a "sufficiently serious breach" can depend on the technical question of whether the state was acting in an area in which (on the findings of the court) it had no discretion at all.

On an issue of fundamental importance to the community legal order, the court has produced three recent judgments which cannot be reconciled, and from which it is impossible to derive a coherent statement of principle. At the forthcoming inter-governmental conference, the United Kingdom is entitled to point to this as one example (there are others) of the need for reform of the court's procedures.

So long as the court continues to give one judgment of all the judges, and prohibits concurring and dissenting opinions, it will produce committee conclusions that evade difficult issues. The only beneficiaries will be lawyers.

● The author is a practising barrister and a Fellow of All Souls College, Oxford.



DAVID PANNICK QC

KONG

ING LAWYER

Pot luck in print

A MAGISTRATE has gone on the record admitting that he has smoked cannabis. A debate has raged within the Magistrates' Association since a *Panorama* programme in March featured an anonymous magistrate who said that he regularly "smoked".

Letters and articles in *The Magistrate* calling for the magistrate's resignation have been tempered, in the latest issue, by a letter from Mark Bunyan, a London JP, who says he experimented with cannabis at university, thinks that legalisation "would seem a positive move" and argues that his presence on the Bench represents a "force for balance".

"I am often confronted," he says, "with driving colleagues who wish to take a more lenient view than mine of some minor infraction or who will admit, usually with a degree of naughty school-boy/girl humour, to having jumped a red light or been

guilty of speeding." Such "minor" infractions can, he adds, lead to death.

New leaders

HARDEEP NAHAL, a solicitor with Herbert Smith, is the African, Caribbean and Asian Lawyers' Group's new chairman. The group of 700 lawyers and law students was commended recently under the Equal Opportunities



Hardeep Nahal: chairman

Award sponsored by the Law Society, the Equal Opportunities Commission and *The Times*. Paul Verlander of Buchanan & Llewellyn in Dorset is the new chairman of the Law Society's Young Solicitors' Group.

● THE NEW International Who's Who has a star-studded legal cast among its politicians, sportsmen and film stars. Yet, strangely, it has taken Lord Hoffmann, a new law lord, until this year to secure a mention. Richard Fitzwilliams, the editor, says: "Quite often it is because judges have not bothered to return the form."

Question of trust

WHERE have all the old professional ethics gone? A new guide for solicitors thinking of taking a partnership suggests that they ask: Could you trust your potential partners?

Would-be partners are entitled to some straight answers

to some tough questions about the health of the partnership, argues *Tolley's Professional Partnership Handbook*, published by Smith & Williamson, chartered accountants. The book cautions: "In some firms, it may be wiser to remain a salaried partner or even a well-paid employee than to take on the responsibility of equity partnership."

Turf trips

THE Kempton race meeting last week had a distinctly legal flavour. Michael Pescod, Slaughter & May's corporate partner, had a bad day as his horse, Palamon, languished in the middle of the field.

It was not much better for the staff of *Practical Law for Companies*. Mr Pescod is on the magazine's editorial board, so they rashly put their summer party's slush fund to back his horse for a win. But Ray Tooth, the senior partner with Sears Tooth, a London firm, saved the day when his horse, Law Permission, won the fifth race at 4-1.

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The Lawyer's Diary is pleased to announce that it has set up

Web Site Listings

for all Barristers' Chambers, Barristers, Solicitors' Firms and Partners listed in the Thirteenth Annual Edition of *The Lawyer's Diary*. The Web site is accessed as <http://www.proflist.com> and contains explanatory information and indexes as well as the reference material.

These listings are available world wide through the Internet, free of charge, to any enquirer: there is also a second version at our site in Atlanta, Georgia with all UK telephone numbers listed in USA direct dial format.

There is no additional charge for this service: thus a normal firm entry (charged at £38 + VAT) includes the full firm entry, entries for all qualified staff, a complimentary copy of the 1997 Edition, and a full entry on the Internet. Solicitors wishing to take advantage of this service are invited either to indicate their wishes on the annual proof forms recently distributed or to write direct to the Publisher, George Rose, at

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LONDON & THE NORTH

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24/11/96

James D. Zirin reports on America's continuing debate on the workings of its judiciary

Judges who dip into politics

Lord Mackay of Clashfern, the Lord Chancellor, last week advised against a Bill of Rights in Britain. There was a danger, he said, that it would draw British judges into making decisions of a far more political nature. And it would require a change in how they are appointed, making their political standpoint as important as their judging ability and leading to the kind of political scrutiny of appointments seen in America.

As the US presidential campaign heats up, candidates continue to debate the state of the federal judiciary. Of the nine members of the Supreme Court, two are aged over 70 and two have had bouts of cancer. Through the exercise of his appointive power, the President elected in November could profoundly influence the court's direction for the next two decades. Thus, both Mr Dole and Mr Clinton have attacked judges who made unpopular decisions, hinting that a major campaign issue is: what's wrong with our American legal system — and its judges?

The political debate should be a healthy one. Judges are also public officials who should not be immune from criticism. But many fear that the rash of invective to which judges have been subjected could have a destructive effect on the independence of the judiciary.

The issue was joined last January in New York in the courtroom of Harold Baer, Jr, a respected federal judge and former New York State trial judge and prosecuting attorney. The prosecution sought to have evidence suppressed on the ground that it was illegally obtained.

The court heard that at Sam in a section of the city described by a veteran police officer as the "hub of the drug trade", plain-clothes police officers saw a middle-aged woman slowly driving an Alamo rental car with Michigan licence plates. The woman stopped and double-parked. Four men walking in

single file approached the car from the opposite side of the street. Without a word to the men, the woman released the boot. One man lifted it open, the second and third placed large duffel bags inside and the fourth closed it.

According to police testimony, the woman drove to the corner and stopped at a red light. The officers followed. At the red light, the four men exchanged glances with the pursuing police officers and quickly went their separate ways.

The light changed to green, and she travelled for about two blocks before the officers pulled her over. Asked the contents of the boot, she replied: "I don't know." They requested the keys and found the bags, which contained 34kg of cocaine and 2kg of heroin with a street value of more than \$1 million.

Under the law, the officers were entitled to stop the woman only on "a reasonable suspicion supported by articulable facts" that criminal activity "may be afoot".

Judge Baer refused to find that what the officers observed amounted to "reasonable suspicion". He held that the mere presence of an individual at Sam in a neighbourhood known for its drug activity was not suspicious. Nor was the fact that an out-of-state licensed car double-parked at such a time and place appeared suspicious.

Flight has for centuries been regarded as evidence of guilt. But the court found nothing suspicious in the bizarre conduct of the men walking to the car single file, depositing bags in the boot without conversing with its driver and scurrying off at the sight of police. The judge rejected the testimony of one officer that there was something suspicious in flight. He rationalised that "residents in this neighbourhood tended to regard police officers as corrupt, abusive and violent", an attitude that rendered the flight above suspicion.

In suppressing the evidence,



President Clinton and Republican presidential hopeful Bob Dole: both criticised decisions of judges



Judge Baer applied well-established Supreme Court rules that require illegally obtained evidence to be excluded. But his decision provoked a storm of political controversy. Newt Gingrich, the House Speaker, and Senator Bob Dole called for his removal. President Clinton, who had "named" Judge Baer to the Bench, demanded his resignation, only to withdraw the demand after realising that he was no more entitled to demand the resignation than Judge Baer was entitled to demand his.

All three politicians apparently ignored the constitutional provision that federal judges "shall hold their Offices during good Behaviour", which has classically been construed to mean "for life", and can be removed only by impeachment. The constitution is conspicuously silent about decisions that might displease the politicians of the day.

In the wake of the controversy, Judge Baer held a new hearing,

and after some new evidence, reversed himself. The dramatic about-face touched off new charges, heatedly denied, that Judge Baer had only bowed to political pressure. Later, when the case was assigned to another judge, the woman pleaded guilty but reserved her right to appeal against Judge Baer's ruling.

Judicial deference to political pressure is not new in America. When the Supreme Court, in a series of 5-4 decisions in the 1930s, struck down the National Recovery Act, as well as other measures in Franklin Roosevelt's New Deal pantheon, the President proposed legislation that would give him an extra appointment for each member of the court aged over 70 years who did not retire within six months. Confronting the clear and present danger to its composition, the court shifted its position and upheld several other New Deal measures — also by 5-4.

After a recent spate of apparently irrational decisions by some New York judges prompted fresh political controversy, Chief Judge Judith Kaye of the New York Court of Appeals expressed "grave concern" about the "tone, frequency and volume" of criticism recently levelled at the courts by some political figures and said that she would defend the courts' traditional role as the guardians of sacred rights. And three federal appellate judges, in an unprecedented move, denounced Judge Baer's critics as forces tending to undermine the independence of the federal judiciary.

The shibboleth of "judicial independence", however, must not throttle all debate. For, as Justice Thurgood Marshall observed, the only real source of power that a judge can tap is the "respect of the people".

● The author, a trial lawyer, is a partner in Brown & Wood, a New York law firm.

What future for the professionals?

An annual survey makes helpful suggestions for law firms' futures

There was a neat coincidence last week between the Law Society elections and the publication of the annual Coopers & Lybrand survey of financial management by law firms. Both focused on the imperilled future of the legal profession. Yet the issues being addressed were almost on different planets.

The Law Society's problems have been characterised as centring on its conflicting dual role both as regulator and as a quasi trade union. However, Coopers & Lybrand reports that the real way to a better future for law firms is for them to become more commercial enterprises.

Success for many law firms, says Coopers & Lybrand, now depends on their ability to attract more work through marketing and then to perform it more cost-effectively, using modern methods and quality systems (echoes of the messages put out by the Law Society before the Martin Mears revolution).

It means that lawyers must move decisively away from the traditional trappings of their profession. The legal processes must be "re-engineered": lawyers must be clear about what they are trying to produce for their clients and to rethink from scratch the most efficient way of producing it. And that means big changes.

Steve McBride, the finance director of Hammond Suddards, is one of the keenest advocates of this approach. He is adamant that the old conventions must be stripped away. He says: "It is no longer realistic for solicitors to expect to have large offices or secretaries to themselves. Given the costs of rentals, lawyers must be able to work from cubby holes and to use information technology to do for themselves what secretaries used to undertake."

Similar issues are on the mind

of Peter Wignall, the chief executive of Ward Hadaway, which is now recognised as one of the North East's growing legal forces.

Having grown from a staff of 60 in 1989, the Newcastle firm expects to be nudging 200 by the end of this year to follow the path of Dobb Lupton Broomhead and the other big regional firms now recognised on the national scene.

Mr Wignall, who is not a lawyer but a former Marks & Spencer manager, said, when asked the difference between managing a law firm and an M & S branch, that the principles are similar. "The goods sold may be different," he says, "but the processes and practices we operate by are much the same."

Now that the firm is about to move into new premises, Mr Wignall is also acutely conscious of the need for cost-efficient space. He says: "We are ensuring that we have the facilities for people to work from home and to make full use of IT." By achieving

its space goal, the most efficient of the top 20 per cent of law firms in the country. But almost half the firms surveyed by Coopers & Lybrand are still giving fee-earners more than 300 sq ft each. This is clearly a tremendous drain on resources.

According to the survey, it is the medium-size firms that are really suffering. Small niche firms can still be very profitable, as can the very biggest firms with a healthy corporate base and the management techniques to maximise their effectiveness.

So Law Society elections aside, the real issues for lawyers are about efficiency and managerial vision.

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The small niche firms can still be very profitable

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■ VISUAL ART 1

Michael Landy's alarming and bizarre *Scrapheap Services* goes on show in east London



■ VISUAL ART 2

... while the Saatchi Gallery gives space to Balkenhol's impressive but impressive figures

THE TIMES
ARTS

■ VISUAL ART 3

Ruskin at Oxford: a new show reveals the making of an eminent Victorian



■ VISUAL ART 4

Hands across the Channel: paintings from Le Havre come to the English south coast

VISUAL ART: Richard Cork is unnerved by two chilling views of humanity and the inhumane; plus other shows

Cutting mankind up to size

When Stephan Balkenhol's *Figure on a Buoy* was marooned in the Thames during the winter of 1992, a passer-by leaped into the icy water to save him from suicide. Seen from the bank, the distant wood effigy of a man in nondescript clothes appeared uncannily lifelike. But the would-be rescuer must have felt very foolish when he discovered, close-to, just how rough and simplified Balkenhol's carving really was.

As his exhibition at the Saatchi Gallery testifies, Balkenhol has no interest in deceptive illusionism. The marks made by his blade are left exposed on the methodically hewn surface of his sculpture. Although he paints these heads and figures, the colour is applied brusquely and does not hide the rawness of the wood beneath. In this respect, he displays a kinship with the German sculptors who revitalised a distinguished national tradition of wood carving early in the 20th century. Ernst Ludwig Kirchner and his allies adopted a deliberately "primitive" approach, cutting with such vehemence that their sculpture still looks rasping.

The wild spirit of Expressionism lingers today, above all in the gouged and daubed figures carved by the uninhibited Georg Baselitz. But Balkenhol distances himself from naked emotionalism. The most distinctive and tantalising aspect of his work lies in its refusal to convey strong feeling. Devoid of passion, the men and women he carves are united by their deadpan air. Arms dangling passively by their sides, they seem incapable of indulging in eruptive gestures. They belong to an everyday, matter-of-fact world, where nobody would dream of rebelling against normal codes of behaviour.

Even when Balkenhol produces a colossal head, he does not invest it with heroic significance. Rearing to a height of nearly 12 ft from the middle of the Saatchi's largest space, *Head of a Man* looks utterly impassive. There is something stubborn about his sheer ordinariness, as if Balkenhol was determined to produce an antidote to all those spurious statues of demagogues that once loomed over public spaces in Germany.

In his sculpture, towering size offers no guarantee of invincibility. *Large Man* rises almost 11 ft from the floor, and is chiselled out of the same tree-trunk which provides an ample base for his feet. He leans at an unstable angle, though, like someone recoiling from a threat. And, as we move around this supposed titan, his

body becomes thinner. The substance he displays from the front shrinks, at the side, to a far more vulnerable attenuation.

Balkenhol likes to confound our first impressions by exploiting sculpture's capacity for change. *Large Male Head Relief* appears composed enough, sheltering within its unchiselled and projecting poplar surround. Seen from the right, however, the face buckles and contorts, ending up trapped by its wood container rather than nestling there. Near by, the bland normality of *Man with Green Shirt* suddenly loses its reassuring sense of wholeness: at the back, Balkenhol has sliced off his shoulders in a surprisingly drastic manner. As for *Double Identity Figure*, both he and his "reflection" turn out to be desperately thin from the side. They look like shooting targets at a fun-fair, and the "reflected" figure is pierced by a bullet-shaped hole where his navel should be. The longer I stayed in this exhibition, the more unsettling it became. Three life-size

‘They belong to a world where nobody would dream of rebelling’

female nudes, standing on tall plinths each painted a contrasting colour, initially seem unexceptional to the point of outright dullness. But, as I moved among them, deep cracks became noticeable. Dark fissures ran down the back of one woman, while another crack travelled between the breasts of another. Whether or not they are simply faults in the wood, Balkenhol's unwillingness to hide them says a great deal about his interest in the understated exposure of infirmity.

Some of the exhibits are playful, and they show the sculptor at his weakest. One carving, of a doll-size man wrapping his limbs around a giraffe's neck, looks merely whimsical. And the circular convocation of bears perched on tall columns of lignum vitae seem ingratiatingly twee. They are unworthy of the man who is able, in another carving called *Harlequin*, to invest the simplest movement with a surprising amount of disquiet. The man's diamond-patterned shirt may look festive enough, but he gazes upwards and askance, like an animal sniffing the air for a scent of danger. In common with most of Balkenhol's figures, he resembles a bystander rather than someone capable of commanding and deserving centre-stage attention. All the same, his innate dignity and poise should not be underestimated.

The first time I saw Michael Landy's ambitious installation, *Scrapheap Services*, it occupied the derelict Electric Press Building in Leeds.



"The substance *Large Man* displays from the front shrinks, at the side, to a vulnerable attenuation"

Now it has moved to the hygienic whiteness of the Chisenhale Gallery in east London, where the surroundings emphasise the clinical efficiency of the event he dramatises. The gallery floor is littered with a multitude of tiny figures, cut from discarded crisp packets, hamburger cartons or beer cans. But the employees of *Scrapheap Services*, a make-believe cleaning company founded by Landy a couple of years ago, are on hand to clear the mess away.

The red-uniformed mannequins are silent as they spike, shovel or sweep their way through the detritus. A smoothly persuasive video is on hand, however, with a purring voice of welcome and explanation. *Scrapheap Services* is, apparently, "the cleaning company that cares because you don't". Without a trace of genuine concern, the voice observes that "a prosperous society depends upon a minority of people being discarded". But the tone becomes principled when he asks: "Why put

up with unsightly people who are such a burden on your resources, when you can turn to the *Scrapheap Services* people-control range of products?"

With the identical nylon-suited disposers at hand, nobody need fear being overwhelmed by these diminutive victims. However they may besmirch the Chisenhale's immaculate white floor, their unwanted bodies will soon be gathered, bagged and consigned to the equally red "purpose-built people shredder", dominating the room like a callous, hideously enlarged predator. Landy calls it the *Vulture*, and ensures that the machine's implacable presence gives the entire tableau a chilling air. The impersonal cleaners, with their corporate clothes and logo-decorated implements, are the anonymous servants of a system whose leaders care more about downsizing than people. Unsightliness is the only fault they can find in unemployment, and the pulverising *Vulture* can be relied on

to reduce all the redundant figures to a state of invisibility.

But not just yet. Landy opts for the moment before the final sweep-up, when the embarrassing jobless thousands still defile the ground. Their head-up-on-proliferation is the most disturbing feature of the installation, largely because Landy cut each one from rubbish he salvaged from take-aways and recycling centres. The extraordinary patience and devotion that went into the figures' individual shaping became clear when I examined them closely, and it made their disposability far more melancholy. The wastefulness of the whole operation hangs over Landy's elaborate enterprise, making a nonsense of the video's smooth-tongued sales-talk and ensuring that *Scrapheap Services* will remain a glacial parable for our times.

Stephan Balkenhol is at the Saatchi Gallery (0171-328 8299) and *Scrapheap Services* at the Chisenhale Gallery (0181-981-4518), both until July 28

A breath of French air

John Russell Taylor on *Boudin* to *Dufy* in Southampton

Whether or not poets are the unknowledgeable legislators of the world, there seems little doubt that the arts are frequently far ahead of politics in the absorption of new ideas. While political Britain still teeters on the brink of Europe, our south coast towns have embraced their opposite numbers in France with overwhelming enthusiasm. The latest manifestation of togetherness is *Boudin to Dufy* at Southampton City Art Gallery.

This is a selection of paintings from the collection of the Musée des Beaux Arts in Le Havre, Southampton's twin town, mostly by painters who came from, lived or worked in and around Le Havre. The most famous is undoubtedly Monet, who was born in Paris but brought up and took his first steps towards art in Le Havre, as well as painting there the picture that gave the Impressionists their name. That notorious *Impression* belongs to the Musée Marmottan, so is not present in Southampton, but there is a fascinating Monet of the old Musée des Beaux Arts.

If Monet is the most famous of the painters represented, Boudin is undoubtedly the star. Boudin it was who first spotted talent in the lively but conventional caricatures from which the teenage Monet made pocket money, and persuaded him to try his hand at painting. The Le Havre museum has the largest collection of Boudin's work in the world, and has sent a dozen of the best to this show. They are exciting, although to some extent misleading. In that the majority are unfinished canvases and therefore look much more "Impressionist" than they would if Boudin had carried them through to the degree of finish he would have desired. There is some irony in the thought that had Boudin chosen to carry them further, he would certainly have moved them further back in time, overlaying the first rapid notations with a much more academically styled image.

Even at his most academic, Boudin was still an enterprising painter with a very special

feeling for the windswept skies of the Channel coast, not to mention the charm of the fashionably dressed ladies battling with the breezes. He was born in Honfleur, across the river from Le Havre. Dufy, on the other hand, was a Le Havre native, though he strayed much further and wider than Boudin. The Le Havre museum benefited retrospectively from a bequest by Dufy's widow. The oil paintings include a sparkling pre-Fauve harbour scene of 1904, a stunning early Cubist view of the port, and a picture of the beach and pier at Le Havre, which exemplifies Dufy's style.

Though the museums of northern France are so readily accessible to Britons, there seems to be a tendency for the majority of British visitors to dash past towards Paris and the south. Hence a show like this is not only a breath of fresh air, but brings to Britain things that are really unfamiliar. Cheerfully, the traffic is two-way. A corresponding show will travel to Normandy.

Also in the Southampton gallery is the only significant marking of the centenary of John Everett Millais's death, which happened in the same year as Leighton's and Morris's. Millais was a native son of Southampton, and took his first tentative steps as an artistic prodigy there, before entering the Royal Academy Schools in London at the age of 11. Southampton has opted for intimacy. Everything is borrowed from Millais's great-grandson Geoffrey Richard Everett Millais, so the family emphasis is strong: childhood drawings, portraits of his own children. The greatness of Millais's finest work, that in the pure Pre-Raphaelite style, is hardly represented, which is a pity. But the part of the show across the park at the Southampton Institute comes close with an almost complete collection of his brilliant illustrative work.

Both shows are at the City Art Gallery, North Guild, Southampton (01703 632769) until Aug 4. The Millais show is also at the Millais Gallery, Southampton Institute, East Park Terrace, Southampton (01703 319034)

AROUND THE GALLERIES

A SEPIA union flag hangs from a flagpole in the large purpose-built studio space which is now Richard Salmon's gallery. Across the room, over the exquisitely filled bookshelves, are two respectable paintings of strong, translucent, interwoven stripes of cirrus yellow, red and green. Through in the other main gallery space, Jonathan Parsons's preoccupation with the potential of different media continues. By deliberately avoiding the mark of the insistent artist, Parsons must hope to bypass some of the more obvious artistic claims.

Richard Salmon, *Studio 4, South Edwardes Square, London W8* (0171-602 9494), until July 23

Linda Karshan draws a grid each time as if for the first time. In this exhibition of many drawings and a few prints her working process appears straightforward and upfront. The abstract image — in graphite or ink — emerges through a tangible and automatic backward and forward movement. The paper also carries the odd footprint, which suggests that the work has been made on the floor. The graphite has a strange relationship to the surface, as if hovering over it without really penetrating. The scale of the work changes and shifts. These

drawings convey a tough and independent sense of self-justification. Redfern Gallery, 20 Cork Street, London W1 (0171-734 1332), until August 1

James Rielly's new paintings are more bleached out than ever, but his familiar technique of creating a kind of bumpy interference on the picture surface seems less pronounced. The troubled pictures of children with knowing expressions or grown-ups with child-sized bodies look at times as though they may have come from medical text books. On the first floor of the gallery Richard collages a section of the wall with small paintings and ambiguously titles it *Random Acts of Kindness*. Images and associations are allowed to weave in and out, across the grouping. Certain pictures seem innocuous while others are disturbing. The atmosphere is more difficult to sustain in the larger single pictures upstairs; but despite the comparative lack of detail, the rapturously concentrating grown-up faces do still manage to convey a sense of toothless, wild-eyed abandon and desire. Laurent Delage Gallery, 23 Barrett Street, St Christopher's Place, London W1 (0171-629 5905) until July 27

SACHA CRADDOCK

Do as I do, as I see and say

Isabel Carlisle is intrigued by the teacher's art of Ruskin and Oxford



A Ruskin window design for the Oxford Museum

John Ruskin was one of those Eminent Victorians whose interests were so diverse that his life's work can be sliced afresh in any number of ways. Newly opened at the Ashmolean Museum in Oxford is an exhibition that offers a tantalisingly brief glimpse of Ruskin's relations with the university.

Ruskin, who was supported financially by his father's profitable sherry business throughout his life, went up to Oxford in 1837. Although ill health prevented him from taking his degree, his experiences there laid down the foundations of his interests in art and the natural sciences (linked, in those pre-Darwinian years, to religion). A drawing made in 1839 of the interior of his rooms at Christ Church shows obvious talent, as well as a characteristic technique, and prefigures Ruskin's preference for Gothic architecture.

In both writing about, and later teaching, art, Ruskin came to a fundamental assumption that nature was supreme and that the creative process was secondary to the act of looking; an offbeat proto-theory of the psychology of perception. He both collected drawings by artists that he admired, such as Turner and Dürer, and drew himself, to create a body of source material from which students could learn by copying. Among the drawings and sketches by Turner that Ruskin later gave



A Ruskin window design for the Oxford Museum

to the University Galleries (the forerunner of the Ashmolean) is *Venice: The Accademia*, whose dissolving, evanescent shapes almost certainly encouraged Ruskin's theories about form being conveyed by colour, not line.

When Ruskin produced a flecked and stippled water-colour of a bright red apple on a blue background as an example for one of his students, he was trying out his theories. When he drew from nature, as in *Study of Gneiss Rock, Glenfinlas, or Stone Pines at Sestri, Gulf of Genoa*, he engaged with nature in

an almost mystical, and entirely personal, way. In these disturbingly intense, slightly surreal, topographical sketches Ruskin believed himself to be an agent of the divine.

In that sense — his rejection of the artist's very human role as an interpreter — Ruskin was not himself an artist. It was this attitude that brought him into headlong conflict with Whistler at the famous "pot of paint" trial in 1878.

Nor, when he was appointed the first Slade Professor of Fine Art at Oxford in 1869, did Ruskin intend to teach artists. He had much grander ambitions, to the alarm of the Oxford authorities. Seeing by drawing was to have an impact on the moral fibre of the Empire.

The teaching series, among them those labelled the Rudimentary and the Elementary, took students on the journey of Creation, from rocks, through plants and birds, to landscape and architecture. Ruskin's architecture rejected the classical orders and embraced Italian Gothic — it was nature at its best. Life drawing, which Ruskin found personally disturbing, was to be reserved for real artists.

The Oxford Museum (now the University Museum), built in the 1850s as a place to house the teaching collections for the

new courses on the natural sciences, embodied many of Ruskin's ideas in its decorative scheme. The Gothic window frames have carved into them birds, animals and foliage directly inspired by actual examples that Ruskin would bring to the stone masons to copy. It was the last gasp of a natural theology that combined art, science and religious belief. Ironically, in 1860 the newly opened building was the venue for a fierce debate on Darwin's *On the Origin of the Species by Natural Selection*.

When Ruskin expounded his theories on art in *Modern Painters*, the Pre-Raphaelite Brotherhood eagerly rushed to their studios to put them into practice. He taught generations of Victorians how to look at art, and knocked the classical ideal off its pedestal. No art critic since in this country, excepting possibly Roger Fry, has wielded such enormous power.

Perhaps the centenary of Ruskin's death in 2000 will give scholars the chance to bring the different facets of Ruskin's complicated intellectual life together and explain just why it was that he came to exert such an enormous influence on Victorian art and thought.

Ruskin and Oxford is at the Ashmolean Museum, Oxford, until Sept 15. The exhibition then moves to the Mappin Art Gallery, Sheffield, from Sept 28 until Nov 24

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■ POP 1

Could Cathy Dennis buck the trend that consigns female British singers to quick oblivion?



■ POP 2

Foo Fighters and other tribes gather in Dublin for nights of fun and Féile

THE TIMES
ARTS

■ MUSIC

Piping hot: Gillian Weir proves to have no peers in the Saint-Saëns Organ Symphony



■ TOMORROW

New notes for an old venue: how the BBC risks all with its Proms commissions

POP: What became of club diva Cathy Dennis once the hits dried up? Alan Jackson reports. Plus, Dublin's Féile

New romance after the dance

This is, it is generally agreed, a vintage era for women pop performers. The once-in-a-blue-moon record buyer — the one who only braved the queue at the check-out whenever Dire Straits or Simply Red released something new — is now swarming out of stores all over the world with the current multimillion-seller by Alanis Morissette or Celine Dion. Female artists now dominate rock, soul, dance, folk and power balladeering. Such omnipresent talents are almost all imported, however. What, you have to ask, happened to the British female pop star?

In the 1950s, they wore stiff, starched gowns and sang bracing ballads, loudly and with full orchestral backing. In the 1960s, they all but took over the world. Pet and Dusty, Lulu and Sandie, Cilla and Marianne all remain musically active, be it in theatre, light entertainment TV or Brechtian cabaret.

And since then? Home-nurtured talent has either glowed only intermittently (Kate Bush, Joan Armatrading), or fizzled disappointingly (Ueki Graham, Mica Paris). Indeed, so critically diminished is the form that even relative stalwarts like it gratefully — witness Kim Wilde who, after 15 years of pouting for Britain, now possibly her first kind review for playing a mum in the London stage production of *Tommy*.

The happy truth is that creative women demand more than just the chance to look decorative for a stage audience or TV camera. The British artists who have operated the most successfully within the mainstream are those who have made a highly individual but easily marketable type of music: Annie Lennox, say, or Sade. But what of those whose natural habitat is the pure pop song? Both Lisa Stansfield and Dina Carroll

would seem to have gone AWOL, leaving the feeble former Eternal singer Louise as our only competitor to the genre's undisputed queen, Madonna.

So welcome back Cathy Dennis, whose career has neatly encapsulated all the highs and lows of pop. In 1989, aged 20 and as-yet unknown in her home country, she had an American No 1 as featured vocalist on the D-Mob single, *C'mon and Get My Love*. A first solo LP, *Move to This*, was released two years later

‘I felt as if I had nothing original to offer’

and brought her four further Top Ten hits in America. The follow-up album, *Into the Skyline*, was less successful, but not significantly so. And then... silence, at least as far as record-buyers were concerned. But although the Norwich-born singer and songwriter was not consumed by the same black hole that has swallowed so many of her peers, she admits that keeping going has not always been easy.

“Three years ago, I was ready to give up music altogether,” she says. “I felt as if everything had been done before, that all the good songs had been written, and that I had nothing original to offer. I had written and demo-ed between 60 and 70 tracks for a third album, but most of them were absolute rubbish — commercial dance-pop, say, or Sade. But what of those whose natural habitat is the pure pop song? Both Lisa Stansfield and Dina Carroll

Then her music publishing company sent her on one of its annual residential courses in the Devon countryside. Each morning for a week she and a host of other writers would be assigned a new musical partner and given the task of composing a song. The experience was pivotal. “Most of them had nothing to do with the dance world, and composed on guitars,” she says. “And through them I discovered a lot of rock artists that I could like. I came back to London and bought loads of CDs, particularly by 1960s acts like the Small Faces, the Kinks, the Beach Boys and even the Beatles. I was a bit late discovering them, I suppose, but I got there eventually.”

The resulting influence on her work can be heard on a completely different third album to the one Dennis anticipated. It is titled *Am I the Kind of Girl?* Her clever, quirky but still very pop-orientated songs (one each co-written with Ray Davies of the Kinks and Andy Partridge of XTC) are full of life and humour. “I’ve had to ignore other people’s expectations of me and concentrate on pleasing myself,” she says. “I’ve not played my other two albums since the day I completed them, but this one I’m really proud of.”

Radio reaction to a first single, *West End Pad*, to be released next Monday, suggests that Dennis might well be en route to a decisive comeback. Meanwhile, calls to their respective record labels leads to assurances that Stansfield (“She’s very definitely hard at work on something”) and Carroll (“There’ll be news of a second album very shortly”) are also planning long-overdue returns to the public arena. This, combined with the recent return of Gabrielle, can only be good news.

● *Am I the Kind of Girl?* is released by Polydor on August 12



‘I’ve not played my other two albums since the day I completed them, but this one I’m really proud of’: Cathy Dennis on *Am I the Kind of Girl?*

Under cover, on the edge

Féile 96
The Point, Dublin

AS A rock concert featuring some of the finest guitar straddling acts around, the first day of the Féile in Dublin's Point Depot was a resounding success. As an attempt at rekindling the spirit of an outdoor music festival within a converted warehouse, it was a dismal failure.

It was unwise of the promoters to sell this three-day bash in the city's docklands as Féile in the first place. For many kids, Féile had once meant being able to roam about Gaelic football stadiums in Tipperary and Cork in brazen search of a good time. It offered the perfect environment in which to experience their first concert, their first weekend sleeping in a poky tent away from the ever-vigilant eyes of their parents.

This time around, the multitude of security personnel stalking the teenagers' every move was such that the venue often seemed like nothing more than a giant creche. The number of rules and regulations to be obeyed took the science of crowd control to a whole new level.

To be fair, the organisers of this event were under intense scrutiny themselves in the wake of the tragic death of a 16-year-old girl at a recent gig at this very venue. Their determination to ensure that no such incident ever recurs is understandable.

And so to the music. Joyriders, the Irish guitar combo, opened proceedings with a competent set in front of a sparse crowd. Then American hardcore degenerates The Jesus Lizard tried to hold us to ransom with a brutal sonic maelstrom of songs from their recent album, *Shot*.

The intense, cacophonous exorcisms of the Afghan Whigs' Greg Dulli proved more enchanting in live performance than on record, but

they seemed a trifle one-dimensional when compared with the multi-faceted genius of Beck. From the stomping psychedelic blues of *Devil's Haircut* to *Loser*, the signature tune of a disaffected generation, Beck was the embodiment of cucumber-cool self-confidence as he and his accomplished four-piece band combined music genres as diverse as rap, folk, hip hop, grunge and blues, sometimes all within one song.

The steely, resilient, passionate *Main Street Preachers* won me over to their cause, while the main attraction, Dave Grohl's Foo Fighters, disappointed me slightly with a rather loose, unsuited performance that did not do justice to the Seattle grunge acts' excellent debut album. But more than 4,000 of their fans would, I'm sure, beg to differ.

Either through a sense of anti-climax or because they didn't realise there was indeed another band due on, a large proportion of the crowd went home at this stage. Boy, should they have stayed! Teenage Rascals were, in a word, magnificent. The sun-kissed harmonies of Norman Blake and Gerry Love, wedded to the ragged glory of Blake's and Raymond McGinley's guitars, make this band truly special. Towards the end of the set, they invited an enthusiastic fan on stage to add tambourine and backing vocals, and one could not help but smile and feel a profound sense of relief that spontaneity had not been completely excised from the day's proceedings.

NICK KELLY

Hardbop grandpop swings on

ALTHOUGH he has adopted the tag “The Hardbop Grandpop”, even using it for the title of his new album, American pianist Horace Silver acknowledges that his “influences and inspirations go back to the swing era”. Thus the live septet sound of the man who spawned a movement in the 1950s with such compositions as *Opus de Funk* and *The Preacher*, and whose distinctive soul-jazz

JAZZ

Horace Silver
Forum, NW5

with a funky backbeat today provides such rich pickings for the hippest of samplers, can at times resemble that of an avowedly mainstream figure — Humphrey Lytton.

CLASSICAL CHOICE

A guide to the best available recordings, presented in conjunction with Radio 3

SAINT-SAËNS
SYMPHONY NO 3
by Edward Greenfield

When composing his Symphony No 3, or Organ Symphony, Saint-Saëns sent a message to the secretary of the Royal Philharmonic Society in London, which had commissioned the piece: “It will be terrifying. I warn you.” Saint-Saëns was referring to the extravagance of the scoring, with a role for the organ, two pianos, triple woodwind and heavy brass.

Reflecting his dedication to the work to the memory of Franz Liszt, Saint-Saëns subjects his main theme, based on the *Die Irae*, to an elaborate series of Lisztian transformations, providing the thematic material for a large-scale symphonic structure.

To sound idiomatic, the Organ Symphony has to be treated with fair freedom over phrasing and speed-changes. Herbert von Karajan with the Berlin Philharmonic, in his 1981 recording for DG, at very slow speeds loses tension. James Levine with the same orchestra five years later, also on DG, is more understanding but larger-than-life.

The 1959 recording from Charles Munch and the Boston Symphony Orchestra on RCA is most persuasive in its flexibility and power but lacks gentler dynamics. Jean Martinon's two recordings



with the French National Radio Orchestra are the most idiomatic sounding of all. The more recent 1975 EMI one is outstanding. This is the best budget choice.

At mid-price on DG Daniel Barenboim and the Chicago Symphony Orchestra in their 1976 recording give a ripe reading. Mariss Jansons and the Oslo Philharmonic Orchestra on EMI offer in many ways the subtlest version of all, but the finale is marred by slow speed and grating, super-imposed organ sound.

Among modern digital recordings, a clear first choice is the Chandos version from Yac-Pascal Tortelier and the Ulster Orchestra with Gillian Weir on the organ (Chandos CHAN 8822-2, £13.99). The exceptionally rich sound brings out the full range of a warmly idiomatic reading, marked by superb ensemble. It conveys the rush of adrenaline which in the finale must crown a really satisfying performance, skirting vulgarity by a mere whisker.

Ironically, the vast majority of Silver's large and faithful following would never consider attending a Lynton concert and his work remains unsampled, but the strictly musical similarities between the two senior jazzmen are more than fanciful. The explanation lies in the material Silver presented.

All but the concluding classic, *Song for My Father*, were taken from *The Hardbop Grandpop*, and although the basic mix of Silver influences remains unchanged — jazz soul jostling with smart Latin beats, unaffected peppy struts rubbing shoulders with mid-tempo blues material — the funky bite of old is largely absent, the overall sound altogether mellower. True, the concert's opener, *I Want You*, was an insistent buster with a beat Silver admitted to bor-

rowing from Bo Diddley, but the neatness of the arrangement, and the straightforwardly swinging solos — particularly from trumpeter Ron Stout — harked back to pre-bop times as much as to Silver's heyday.

What he lacked in outright trenchancy he more than made up for with delicacy and sly wit. In *I Got the Blues in Santa Cruz*, which featured a typically cogent contribution from late-substitute UK-based tenorman Jean Toussaint — and his most famous tune, *Song for My Father*, Silver demonstrated that he is still a deeply affecting soloist. His rhythmic sense has always been unequalled: hard-bopper containing a cooler bag, T-shirt and a Kodak Fun Sports waterproof camera, and 10 rolls of Kodak Gold Ultra film.

CHRIS PARKER

Pageant of detail

CONCERT

OAE/Norrington
Queen Elizabeth Hall

TEN YEARS after its own creation, the Orchestra of the Age of Enlightenment chose Haydn's *The Creation* with which to celebrate its first decade. When the orchestra first appeared its principles seemed every bit as enlightened as the period on which it initially focused and whose ideals are hymned in Haydn's great work.

Man as the crowning glory of creation, wisdom shining from his eyes and his “arched brow sublime”: just the image for a new, co-operative and democratic orchestra, reinvigorating “period” performance with the inspiration of a roster of guest conductors, from Gustav Leonhardt and Frans Bruggen to Charles Mackerras and Simon Rattle. Simon Rattle was to have conducted this anniversary *Creation*; but a family bereavement led to his place being taken by Roger Norrington, who revelled in a rare opportunity to make music with many close colleagues in a different incarnation. If there is any late 18th-century work which vindicates the use of period instruments, this is it. And with Norrington throwing each instrumental voice into sharp relief through the vigour of his rhythmic articulation and sweep of

phrase, the performance took on the character of a pageant of incident and detail.

There was the contrast between the compacted energy of the opening chords, and the long, singing chord which heralded the magic flutes of Part Three with its new humanity. There were the sweeping upbows as the Spirit of God moved upon the waters, and the dark spirits of Hell, fleeing in the voice of a single, snarling flute. There were the sad steps of the double-basses' lunar journey; and the glorious extended bestiary of horn, clarinet and contra-bassoon.

The evening's soloists moved from the archangelic to the mortal with energy: Hillevi Martinpelto radiant as Gabriel and Eva; Robert Lloyd heroic as Raphael and Adam; while John Mark Ainsley as Uriel, announcing the creation of mankind itself seemed, together with the outstanding choir, the voice of Enlightenment incarnate.

HILARY FINCH

AN EXCLUSIVE TIMES COMPETITION

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CYCLING: RIIS AND INDURAIN TAKE IT EASY IN TOUR DE FRANCE BEFORE BATTLE IS JOINED BY LEADERS IN PYRENEES

Podenzana makes most of rare day in spotlight

BY PETER BRYAN

IT WAS hot, the Pyrenees lie ahead and the big guns in the Tour de France were content to take the day off and let the domestiques sample the spotlight. Bjarne Riis, Miguel Indurain, Evgeni Berzin, Abraham Olano and all but six of the 19 riders who were expected to battle to come and Massimo Podenzana, of Italy, convinced that, at 34, his best days lay far behind him, yesterday won the fifteenth stage of the Tour over 109 miles from Brive-la-Gaillarde and Villeneuve-sur-Lot. He could barely believe his luck.

That it was meaningless as far as the general classification is concerned bothered Podenzana not at all. He had been part of a marathon breakaway by a handful of the workhorses of the Tour, riders whose usual task is to exhaust themselves in the service of

better-known and better-paid team leaders, and, after helping to build and then maintain a healthy lead over the rest of the domestiques, he broke away again before the finish, crossing the line 35sec ahead of Giuseppe Guerini, another Italian, with Peter van Petegem, of Belgium, third, 49sec behind the winner. Nelli Stephens, of Australia, had seemed well-placed for stage victory, but he crashed and finished 11min 41sec after Podenzana.

"This is the most important moment of my career," the victor beamed afterwards. "I was thinking about retirement, but maybe I will go on for another year." How a win can change things.

The big guns kept their powder dry, allowing Podenzana's half-donkey-strong group to build an advantage of more

than nine minutes at one stage before finally accelerating to finish in a pack 5min 38sec behind. They had hardly broken sweat, as is traditional for the Tour's principal contenders before the going gets tough, as it will on the approach to the Pyrenees today, when the stage has a long climb to the mountain-top finish at Lourdes-Hautacam. The route will be but a sampler for those to follow tomorrow and, by Thursday, the final outcome of the three-week marathon might be decided.

The main players will be Riis and Indurain. Riis is confident that he can match any challenge from the Spaniard in the mountains and hold his advantage for the individual time-trial on Saturday before the final run-in to Paris — even if he was playing it cool yesterday, saying only: "It is a very important stage. Hopefully, I can fare well and keep the jersey."

Indurain accepts Riis as the only rival likely to prevent him from setting a Tour record of six successive victories, but there is a feeling among the peloton that Indurain, heartened by the change in weather — he excels in the heat and hates the cold and rain — is about to counter-attack.

The Pyrenees will present a challenge to Chris Boardman, of Great Britain. He finished in the main pack yesterday, is still 31st overall and is showing signs that he is recovering from his earlier illness.



Podenzana holds his arms aloft as he crosses the line in Villeneuve-sur-Lot yesterday

ATHLETICS

HEAT-400m International under-20 women's 400m. 1. G. B. (Ghana) 1:00.00; 2. K. D. (Kenya) 1:00.00; 3. J. D. (Jamaica) 1:00.00; 4. J. D. (Jamaica) 1:00.00; 5. J. D. (Jamaica) 1:00.00; 6. J. D. (Jamaica) 1:00.00; 7. J. D. (Jamaica) 1:00.00; 8. J. D. (Jamaica) 1:00.00; 9. J. D. (Jamaica) 1:00.00; 10. J. D. (Jamaica) 1:00.00; 11. J. D. (Jamaica) 1:00.00; 12. J. D. (Jamaica) 1:00.00; 13. J. D. (Jamaica) 1:00.00; 14. J. D. (Jamaica) 1:00.00; 15. J. D. (Jamaica) 1:00.00; 16. J. D. (Jamaica) 1:00.00; 17. J. D. (Jamaica) 1:00.00; 18. J. D. (Jamaica) 1:00.00; 19. J. D. (Jamaica) 1:00.00; 20. J. D. (Jamaica) 1:00.00; 21. J. D. (Jamaica) 1:00.00; 22. J. D. (Jamaica) 1:00.00; 23. J. D. (Jamaica) 1:00.00; 24. J. D. (Jamaica) 1:00.00; 25. J. D. (Jamaica) 1:00.00; 26. J. D. (Jamaica) 1:00.00; 27. J. D. (Jamaica) 1:00.00; 28. J. D. (Jamaica) 1:00.00; 29. J. D. (Jamaica) 1:00.00; 30. J. D. (Jamaica) 1:00.00; 31. J. D. (Jamaica) 1:00.00; 32. J. D. (Jamaica) 1:00.00; 33. J. D. (Jamaica) 1:00.00; 34. J. 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Bowls considers putting old surfaces out to grass



High costs are a threat to the future of grass greens

A grassroots revolution is taking place in bowls. Britain's flat-green bowlers believe that the grass on the other side of the millennium may not only be greener — but synthetic to boot. The situation is so grave that, after the revolution, there may be no grass roots at all.

Financial considerations have convinced many bowls administrators that artificial surfaces should replace Cumberland turf, while the poor state of so many greens has persuaded some leading players to vote for a synthetic solution.

One county association, Suffolk, opted to play their home Middleton Cup ties this summer on a synthetic green — a first in the 85-year history of the county competition. They are not alone in their concern. When, last month, Cumbria, the county champions, were beaten at home on a surface pitted by fusarium, most of their players would have wished that they had been playing elsewhere.

Now, the World Bowls Board (WBB) has approved the laying of artificial greens in Kuala Lumpur, where the 1998 Commonwealth

David Rhys Jones looks at a revolution which could end with one of Britain's ancient sports being changed for ever by the arrival of synthetic surfaces

Games bowls competition will probably be played on a synthetic surface for the first time.

David Johnson, the WBB secretary, said: "We have an open mind. If an artificial green can be produced that is as good as grass, we have no objections and are working with manufacturers to ensure that standards are established and maintained."

Expertise seems to have been lost after greenkeepers stopped shaving the grass with a scythe. David Bryant, the most famous name in the sport, said: "In the old days, greenkeepers used to treat their work as a labour of love, and greens were flat, smooth and perfectly true."

Tony Allcock, Bryant's successor as world outdoor champion, said: "It makes me sad, because I prefer playing on good, fast, true-running grass greens, but we have to admit

they just aren't around any more, and a good artificial green is much better than a poor grass one."

Allcock, who officially opened a new artificial green in Basildon, Essex, last month, said: "Whether we like it or not, it's the thing of the future. There were representatives from lots of clubs in Basildon, all hoping to follow suit."

"Bowls clubs just can't afford to pay skilled greenkeepers any more. Laying a grass green usually costs between £50,000 and £60,000, with maintenance costs running at between £7,000 and £15,000 a year; but a synthetic carpet costs between £70,000 and £80,000 to install, lasts around ten years and is very cheap to maintain."

Gary Smith, the bowling partner of Andy Thomson at the Cyphers club, in Kent, supports the novel idea of a compromise between organic and artificial, called Netlon Ad-

vanced Turf. At around £72,000, a Netlon green costs a little more than grass, but the manufacturers claim that clubs will save on maintenance.

Why do bowlers want a true, fast surface? Bowls are biased, and the game is based on the ability to take a circuitous route to the jack. On a fast, swinging green, it takes judgment and natural ability to dispatch the bowl on the right line and at the right speed.

If the grass is long, and the green heavy, the effort to send a bowl the full distance (up to 38 metres), means that the bowl sets off at top speed, and slows down so quickly that the bias does not have time to take effect. The response is simple. Woods have to be hurled, rather than delivered, more or less towards the jack.

The argument used to justify inferior greens is always the same: "You have to adjust to the conditions

— it's the same for both sides". Of course, it is not. When bowls is reduced to hurling woods in a straight line, the skills of talented exponents count for little. It becomes a test of strength and luck.

One of the most damaging innovations in recent years has been the automatic watering system. When clubs invest in one, they need to justify the expense by using it, but, in reality, bowling greens seldom need watering. Green grass looks good, but bowlers will tell you that the best greens are brown and dry.

Perhaps the answer lies in having fewer clubs. In Australia, where bowls is a serious business, clubs typically have four or five greens. That means lots of members and subscriptions pay for an expert staff and equipment to keep the greens in tip-top condition.

The solution is surely for clubs to expand — while some close — and create bigger, more viable bowls centres. The same number of people playing the game could perhaps be served by, say, 25 per cent of the present number of clubs.

CRICKET

England's resolve preserves long unbeaten record

By SIMON WILDE

GUILDFORD (final day of four): England drew with New Zealand

ENGLAND'S women fought a remarkable rearguard action yesterday to escape with a draw in the third and final Test match and share the series 0-0 with New Zealand. The result maintained their unbeaten Test record against these opponents, which dates back to 1934 and spans 22 matches.

At more than one stage during the day, England looked a beaten side, but their final saviours were the ninth-wicket pair of Suzanne Redfern and Clare Taylor, who batted with remarkably few difficulties through the last 27 overs, despite often having seven or eight fielders breathing down their necks.

Having seen the slow bowling of Fryer and Campbell bring rewards, New Zealand may regret the decision to take the new ball four overs after Redfern and Taylor came together. Although the pitch was not offering pronounced turn, spin remained their likeliest route to success and the new ball only disrupted the process.

It was an absorbing day's play, even though England made no attempt to score the 331 runs that they had been left to win by New Zealand's second declaration the previous evening. It was a reasonable target, but, after losing three wickets in the first hour — including those of Brittin and Daniels, their main stroke-makers, to Withers — England concentrated on survival.

Metcalfe, who batted nearly four hours for 63, was the central figure in their resistance. Smithies stayed with her for 20 overs and Smit for 27, but, after they had gone, her team's survival seemed to depend on her own. In fact,

her dismissal — to a ball from Campbell that did turn — proved to be the last of the match.

By playing out time so competently, Redfern and Taylor showed just how little the pitch had worn over the four days. Taylor, who has also represented her country at football, finished unbeaten on 38. Redfern on 26. Although she took more wickets, Campbell put them under less pressure than Fryer, the left-arm spinner.

Despite the outcome, New Zealand were undoubtedly the stronger and more adventurous side. They made a clean sweep of the three one-day internationals and their positive approach was testimony to the way that the game is blossoming in their country. In England, the progress made since the World Cup was won in 1993 — ironically with a victory over New Zealand in the final — has been stilted.

There are good reasons for this. In New Zealand, the women's and men's cricket associations amalgamated four years ago and the

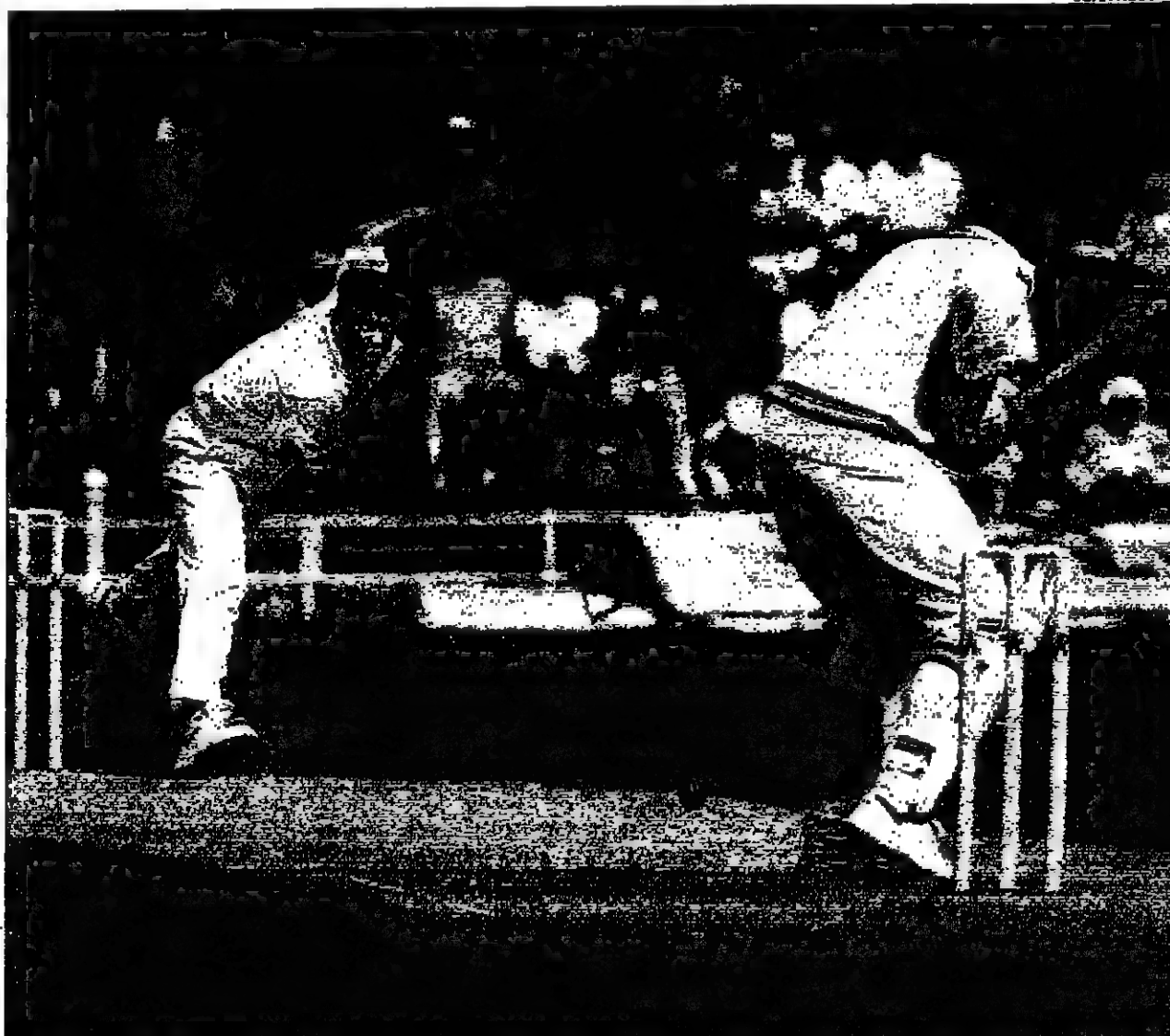
women's game has felt the benefits. Financial support has been extensive, with all the expenses for tour covered and players compensated for loss of earnings.

There is true equality between the sexes — Emily Drumm was named New Zealand cricketer of the year for 1993 — and full co-operation as well, with Martin Crowe, for example, helping in the extensive preparations made by this party.

Needless to say, things are very different in England, not only because the equal opportunities legislation is not as strong. The Women's Cricket Association (WCA) sees the development of a national plan under the proposed English Cricket Board (ECB) as an opportunity for progress, but is aware that amalgamations in other sports — such as squash — have not always worked to the advantage of women.

"We have a lot to gain from a new structure, but only if it is handled carefully," Sharon Bayton, the WCA's chairman, said yesterday. "New Zealand is a younger country with a refreshing approach to women's sport in general. Here, there is a lot of history to overcome and it will not be easy. The first draft constitution of the ECB made no mention of women's cricket whatsoever; now, at least, it recognises its existence. We are asking for a seat on the ECB board, but I am not confident of success."

The Test and County Cricket Board gave the WCA £50,000 to fund the matches against New Zealand and without it they could not have been staged. However, if the women's game is to flourish, that sum needs to be a minimum annual commitment. The players showed the necessary character yesterday; they deserve future support.



Gough, the best of a heavily-punished Yorkshire attack, forces Windows into a defensive posture at Harrogate

Lynch leads bargain-hunters

By JACK BAILEY

HARROGATE (Gloucestershire won toss): Gloucestershire beat Yorkshire by 89 runs

EACH year, after the Benson and Hedges Cup final, a small window in the complex county fixture list opens. Into it pops the Costcutter Cup, a 55-over, three-day festival at Harrogate. It was formerly known as the Tilton Trophy, but, ever since the change of name, in 1994, Gloucestershire have lifted the cup and the prize-money. Their performance against Yorkshire yesterday kept their ambitions of a hat-trick not only alive but also glowing bright.

There was a proprietary stamp about the Gloucester-

shire batting as they rattled up 297 for six. They combined this with a purposeful air in the field as Yorkshire's attempts to overtake them were snuffed out with the minimum of fuss.

Punishing strokeplay from Montie Lynch brought him 68 from 56 balls and the lion's share of a partnership with Tim Hancock which was worth 94 from 13 overs. This was the key to Gloucester-

shire's large total, although the firm foundation laid by Wright and Windows, and some typically free strokes from Symonds underlined the mastery of bat over ball.

Darren Gough, with two for 36, escaped the general censure accorded around the ground to Yorkshire's bowlers. He also opened the innings, but a bright start was not sustained. Only Bevan and McGrath mastered an attack well led by Jon Lewis, whose opening burst of three for 18 from eight overs set Gloucestershire on the way.

All Yorkshire's wickets fell to catches, some of the highest order. Whoever emerges from the semi-final between Leicestershire and Durham today will have formidable all-round skills to overcome.

SCOREBOARD FROM HARROGATE

GLoucestershire		YORKSHIRE	
M G N Windows c White b Stamp	47	D Gough c Symonds b Lewis	20
A J Wright c Bailey b Stamp	43	M D Meerson c Symonds b Lewis	11
T H C Hancock c Stamp b Silverwood	68	M P Vaughan c Lynch b Lewis	12
M A Lynch run out	35	M G Bevan c Symonds b Aleyne	31
A Symonds not out	38	A McGrath c Williams b Boden	44
M W Aleyne b Gough	5	D Bates c Lewis b Boden	3
M C J Ball c Bailey b Gough	9	C White c Williams b Aleyne	8
D J P Boden not out	0	P J Hardesty not out	16
Bates (to 12, lb 6, w 6, nb 8)	34	S W Silverwood c Ball b Aleyne	9
Total (8 wickets, 88 overs)	297	R D Stamp c Williams b Lewis	5
TH C J Williams, J Lewis and J M M Aveyne did not bat		Extras (lb 1, lb 6, w 8)	11
FALL OF WICKETS: 1-87, 2-136, 3-230, 4-281, 5-276, 6-281		Total (48.1 overs)	308
BOWLING: Gough 10-1-36-2, Silverwood 9-0-40-1, Wright 7-0-42-0, Hardesty 11-1-22-3, Stamp 11-1-46-2, Bevan 10-1-51-0		FALL OF WICKETS: 1-21, 2-40, 3-45, 4-142, 5-146, 6-149, 7-175, 8-196, 9-205	
Man of the match: J Lewis		BOWLING: Lewis 9-1-24-4, Boden 6-1-52-2, Aveyne 9-0-41-1, Ball 9-0-29-0, Aleyne 4-0-17-3, Symonds 2-0-0-0	

Umpires: J D Bond and A Clerkson

TENNIS

Wimbledon clear for Egypt tie

CHRIS GORRINGE, the chief executive of Wimbledon, said yesterday that he had not ruled out the possibility of Great Britain playing their Davis Cup tie against Egypt on the No 1 Court at Wimbledon in September.

Britain must beat Egypt in their group two tie of the Euro-Africa zone, to be held from September 20 to 22, to gain promotion to group one. David Lloyd, the team captain, and Tim Henman, the No 1 player, who has climbed one place in the world rankings to 38 — his highest position, are keen to hold the match at the All England Club.

The No 1 Court, which has 6,500 seats, is soon to be demolished to make way for a new players' and media centre, but Gorrings said that, if necessary, the bulldozers could wait.

"It is not out of the question for the tie to be held on the No 1 Court," he said, "but we would have to consider it carefully and we would need a formal request from the Lawn Tennis Association."

SCHOOLS SPORT: GIFTED QUARTET DETERMINED TO TURN MATCH DAYS INTO A FAMILY AFFAIR

Cricketing twins double up for assault on record books

By GRAEME HOLLINSHEAD

WHEN Cleveland schools under-13 cricket squad gets together for nets, Gordon Lake, the manager, can be excused a double-take — or two. He has two sets of twins from the same family vying for places in the county team — something never before recorded in the annals of the English Schools Cricket Association.

The schoolboy cricketers who are rarely short of a brother to practice with are Alex Roberts, 13, an all-rounder, and his twin, Lee, both year eight pupils at King's Manor School, Middlesbrough, and year seven pupils, Brett and Jay, 14 months their junior.

Alex played last year and was the team's top scorer with 256 runs at an average of 32. He is on course to repeat that feat this year, opening with six against The Wirral but then recording his maiden county half-century in the one-wicket defeat against Durham. He followed that with 53 against Yorkshire and hit his first century, scoring 112 in a four-

wicket defeat against Lancashire.

"Alex is a true all-rounder and he is our leading wicket-taker as well as run-maker," Lake, a retired Cleveland teacher, said. "He is physically stronger than his twin and the other brothers, who are of course a year younger."

Lee, a leg and off spin bowler, and Brett, who bowls medium pace, have also made it into the county side, but Jay has only recently resumed playing after a lengthy illness.

"Lee and Brett have not had any real success as yet although Lee has bowled well on two or three occasions without luck. The younger lad needs to become a bit stronger to bowl quick at this level," Lake said.

According to Len Almond, director of the Exercise and Health Research Group at Loughborough University, greater athletic potential among twins is often shown by the first-born, or heavier child at birth.

The boys' father, Tony Roberts, who coaches all four

brothers for Middlesbrough Cricket Club's under-13s, said Alex and Brett — the two heaviest at birth — were more dominant than their respective twins up to the age of three. Another factor which can indicate sporting prowess.

Susan Roberts said that from the age of two, her sons would be "glued to the television watching any activity with a ball", and the brothers had an early introduction to the joys of cricket. "They came to watch me at Middlesbrough as soon as they could crawl," Tony Roberts said. "They played on the spare ground at the club during matches from a very early age and all of them were introduced to the junior cricket teams at nine years old."

Tony still plays for the Middlesbrough club's third XI, but his place could be in jeopardy from Alex after the pair batted together for the first time against Billingham last month. Dad was bowled for one but Alex showed him the way with a handsome 19.



Tallened twins: the Roberts brothers (bottom row), Lee, left, and Alex, 13, and (top) Jay, left, and Brett, 12

SQUASH

Russell cuts a dash to upset big-hitter

FROM COLIN MCQUILLAN IN CAIRO

THE improvement in the world junior game was clearly illustrated here yesterday. In the first session of the last 32 of the world junior men's championship, Rene Bartel, of Germany, narrowly removed the much-fancied Shamsul Islam Khan, of Pakistan, while John Russell, of England, proved far too adept for Paul Peters, a big-hitting Australian.

Bartel took an early lead against his stylish opponent and then weathered the counter-attack, in which he survived a long fifth game, to win 9-7, 9-5, 0-9, 7-9, 9-7 in 74 minutes. His reward is a tilt in the round of 16 at Ahmed Faizy, of Egypt, the top seed who defeated Tim Valli, of England, 9-4, 9-2, 9-3 in 32 minutes.

Russell, a solidly-built 16-year-old from New Elham, in south London, looked a completely different player from the head-scarved, casual-looking performer of early rounds. "He is a player who tends to perform as well as he has to," David Pearson, the new England national coach,

said. "We had a pretty serious talk about attitude last night, although I would not like to say that it had much to do with John's approach today. He knows without telling when the squash has to be professionally applied."

However, no such plaudits are likely to have come the way of the strapping Peters from Greg Middleton, his team manager. Against Indian and Italian opposition in earlier rounds, he proved imperious, but Russell allowed him none of the airy, loose balls that came in those matches; tight, low drives down both walls revealed an unsuspected limit of reach and Peters succumbed 9-1, 9-0, 9-6.

With a strong belief in eye protection from goggles and preference for piratical headscarves, Russell, this time, delivered a far more conservative impression with a normal headband; and found a precise rhythm which he jokingly suggested was the product of the lighter head-cover.

Results, page 38

Drechsler forced to miss Games

Tennis: Sergi Bruguera set up a rematch of the 1994 French Open final when he clinched a second-round place yesterday at the ATP tournament in Stuttgart. The 24-year-old Spaniard, who has slipped to 53rd in the world after a poor run of results in 1996, defeated 67th-ranked German Carl Uwe Steeb 7-6, 6-4 in the opening round of the day-court event. Bruguera, twice the French Open champion but now struggling to overcome a long-term foot injury, next plays his compatriot Alberto Berasategui, the loser at Roland Garros when the pair played for the grand slam title two years ago.

Paul Goydos, the goateed American who won the Bay Hill Invitational earlier this year, had an Open debut he will not forget. He will be flying home today after missing out at Fairhaven despite a round of 59. "A birdie at the last and I'd have been in the play-off," he groaned, although his total of 143 was, in fact, two shots too many.

MISSION
 Cockburn I 54 Metro v Horana 1
 Seafair 56 Phoenix v Tacoma 1
 In City 56 University v Dales 1

NEW SOUTH WALES

THIRD DIVISION
 57 Mounties v White C 1
 58 Wanderers v Kestrel X

Park, North Sunshine, Braeside, Lynvale,
 Baywater, Fremantle.

HOMES: East Brunswick, Waverley Park,
 South Caulfield, Melton, Brandon Park,
 Cranston, Bassendean, Blue Eagles,
 Norrunga, Kingborough, Phoenix,
 Moorbank.

☐ Vince Wright

ns for Villa

spent £11 million in bringing Emerson from Brazil and Fabrizio Ravenelli from Italy.

Trevor Francis, manager of Birmingham City, has renewed his partnership with Bob Latchford, another former St Andrews favourite, who has been made youth development officer.

Liverpool's plans to play in Infield and Dundalk early next month are in doubt because of the continuing unrest in Northern Ireland. Peter Robinson, the Liverpool chief executive, said: "This is something we will want to check out. Safety is of paramount importance and we should be taking soundings from our friends in the province."

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Member HSBC Group

Spectacular sequence foils Price's challenge

A thrilling victory in the 1988 Open Championship was the perfect riposte to those who considered Severiano Ballesteros past his best. John Hopkins continues his series on the Spanish golfer's bid to emulate Harry Vardon as the only player to win three Opens at the same venue

Severiano Ballesteros arrived at Royal Lytham and St Annes in 1988 with the sound of the tumbrels ringing in his ears, not for the first time and not the last. He had not won a major championship since the 1984 Open and, while leading Jack Nicklaus by two strokes with four holes to go in the 1986 Masters, Ballesteros was hit by a four-iron into the water in front of the 15th green to fall out of contention.

At the same event a year later, he was the first man to be knocked out of a three-man sudden-death play-off, ultimately won by Larry Mize. To those who were saying that Ballesteros was in a slump, it hardly mattered that he had been the inspiration behind Europe's victory in the 1987 Ryder Cup.

Little did we know then what personal demons had contributed to Ballesteros's loss of form. Nor did we know how magnificently he was about to rise above them. If ever a player took hold of an event and turned it into a sparkling, virtuoso demonstration of his own talents, Ballesteros did so at Lytham eight years ago.

All week Ballesteros had seemed on edge. He was seen restlessly pacing around the rented, flat-roofed house in which he was staying. It was as though he knew that he should win because he liked Lytham and it had happy memories for him. Nobody present will forget the excitement that he generated from the moment on the first day when he walked past a sheet hanging out of a window of a house overlooking the opening hole: "Severiano gana por favor" (Severiano win please).

He set out to do just that, racing to the turn in 30 strokes, five under par. Even though he later had two penalty strokes, he finished in 67, four under, on a day when only seven players broke par.

The events of the next two days are overshadowed by the extraordinary last round — on a Monday after rain had washed out play on Saturday — when Ballesteros and Nick Price played out one of the most unusual closing rounds in Open Championship history. "Seve was making a comeback and I was trying to set right a few wrongs," Price said recently. "As we walked to the 8th, I knew that one of us was going to win it and I think that he knew that too. What happened on the next 11 holes was one of the greatest thrills of my life."

Dressed once more in his favourite blue, Ballesteros went from the 6th to the 16th as follows: birdie, eagle, birdie, par, birdie, bogey, birdie, bogey, par, birdie. Price went birdie, eagle, par over the 6th, 7th and 8th and

lost a shot. He went from the 6th to the 13th in four under par and lost three strokes, which left them level.

With Ballesteros at Lytham, something always seems to happen at the 70th hole. In 1979 — when he won his first Open — there was the car park shot.

This time, he hit a nine-iron to within a few inches of the flag and glanced across at Price. I was to Price's right and I could see from the look that Ballesteros gave him that he knew he had struck a decisive blow and he knew from the way that Price would not look back at him that Price knew as much.

That stroke gave Ballesteros the lead and, when they had both made par at the 17th, it meant that Price had to try to birdie the 18th to stand any chance. He reached the green with a mid-iron second. "I rushed that shot," Price said. "I was convinced I was going to hit the ball six inches from the hole and I couldn't wait to do it."

Ballesteros's ball ended to the left of the green in fluffy grass. I was directly behind him as he played a deft chip



This delicate chip from the left of the 18th green finished close enough to seal victory for Ballesteros in 1988

and thus had a perfect view of the ball as it rose from the club, pitched over a swale and rolled 30 feet before stopping inches from the hole. All around the spectators went wild. The excitement that the shot created is vividly conveyed by the expressions on the faces of the crowd in a photograph that appeared in national newspapers the next day. They were watching the

most thrilling golfer in the world, more popular in Great Britain than in Spain, winning in a manner that made it all the more special for him.

Ballesteros's 72-hole total of 273 was the lowest in an Open at Lytham, ten strokes better than his score in 1979. After his 65, six under par, Ballesteros said: "You only hope for a round like that once every 25, maybe 50,

years. So far it is the round of my life."

It was a powerful demonstration of his skills and such a change from recent form it was like a sunburst. Now we know the reason. He had finally come to terms with the death of his father two years earlier and the way had been cleared for him to marry Carmen Botin, his long-time girlfriend. Most of all, at the

end of the previous year, he had concluded a four-year legal battle with his former manager, Lytham, for Ballesteros in 1988, was a stage worthy of all his magnificent talents — now they were able to be utilised once again.

TOMORROW
What chance an historic treble?

SAILING: COLLISION AND DISMASTING MARK OPENING OF CORK REGATTA

St Joan stakes claim to Sigma title

FROM EDWARD GORMAN
SAILING CORRESPONDENT
IN CROSSHAVEN, CO. CORK

THE biennial Ford Cork Week regatta got fully under way here yesterday in wonderful sailing conditions — cloudless skies and a good 15-knot southeasterly kicking up a bouncy swell.

With 485 yachts entered in 15 classes, a 40 per cent

increase over 1994, the regatta is in the best of health, buoyed by the addition for the first time of two sportsboat classes, the Cork-based 1720 one-design and the Melges 24, and by an enormous fleet of 72 Sigma 33s, competing in the United Kingdom championship.

After two races, the Sigma fleet was being led by Ian Nicolson, the Clyde-based

yacht designer and veteran Sigma campaigner, in St Joan, who was third in the first race on Sunday and followed up with a win yesterday. Behind him came Jeremy Vines, in Harmony, and M. B. Harvey, in Revenge.

The Sigmas had an eventful third race. The Southampton-based Typet broke its mast at the spreaders as the yachts crashed through a mounting

swell. After rounding the windward mark, crews struggled to control their spinners on a tight reach. One boat shredded the sail altogether, while many others failed to get the halyard up fully and sailed across the course out of control.

In Class Zero, the biggest yacht at the regatta, the 82-foot maxi, Sorcery, was more than 20 minutes ahead of the 30-strong fleet as she crossed the finishing line after a 31-mile sprint. The 1983-vintage Gary Mull-designed yacht, which has recently undergone a major refit, is owned by Jake Wood, from Florida, but skippered by Paddy O'Brien.

In second place on the water was the Stephen Jones-designed Oyster 46, Essex Girl, owned by Richard Mathews, who is preparing the boat for the Commodore's Cup, when it will be part of the English East Coast team.

The eventual winner on handicap was the Belfast Lough J120, Enjoy, owned by Barney Isherwood, with Roy Dixon's Corby 40, Cracklin' Rosie, second and Jocelyn Waller's Silk 2, third. Sorcery was seventh with Essex Girl twelfth.

There was drama among the Melges and 1720 fleets when the 1720, Teofil, sailed by John Croty, was holed below the water line in an incident with the Melges, Highlander 264, sailed by Alastair Evans. Croty was approaching the windward mark when the Melges, with its spinnaker up, gybed to port and slewed into him. Croty managed to get the boat back to harbour and was hoping to continue today.

RIFLE SHOOTING

Surrey marksman takes his chance

FOR Peter Chance, it was an investment that paid off handsomely (our rifle shooting correspondent writes). Last week, looking ahead to the match rifle events at the annual Bisley meeting, the company director from Lighthwater, a village backing on to the Bisley ranges in Surrey, bought a new rifle yesterday. Chance won one of the leading competitions of the meeting, the Edge Challenge Cup, with 20 shots at 1,100 and 1,200 yards.

There was a bonus, too: Chance had not won a leading match rifle prize before, so he had the strange experience of winning the tyro bronze medal

alongside his gold medal and cup.

Today, Chance has his sights set on the final round of the Hopton Cup, the overall match rifle championship. He is in eighth place in the event, ten points behind the leader, George Barnard, of Northamptonshire. Realistically, however, his chances of winning the overall title are slender, for the seven shooters ahead of him include some of the most experienced in the sport, including two former Queen's Prize winners, John Powell and John Pugsley.

Results, page 38

WORD-WATCHING

Answers from page 38

CORYBANTES

(a) The Phrygian priests of Cybele, whose worship was celebrated with orgiastic dances and loud, wild music. Hence a word, unrestrained dancer is sometimes called a Corybant. Professor T. H. Hulley referred to the Salvation Army in 1890 as being "Militant missionaries of a somewhat corybantic Christianity".

PAM

(a) The leave of clubs in certain card-games, also the name of a card-game short for Pamphile. French for the leave of clubs.

DYVOUR

(a) The old name in Scotland for a bankrupt. From the 17th century Dyvoirs were by law compelled to wear an upper garment half yellow and half brown, with part-coloured cap and hose. Not abolished until 1836. From the French *devoir* to owe.

MAUDLIN

(a) Stupidly sentimental. Maudlin drunk is to be sentimentally drunk and inclined to tears. Maudlin slip-slop is sentimental chis-chat. The word is derived from the repentant tears of Mary Magdalene who was often portrayed after eyes swollen after weeping.

SOLUTION TO WINNING CHESS MOVE

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Ella put wild dogs and Englishmen in shade

Last night was a curious, old-fashioned, even socialist television night, as if someone had dug up Karl Marx and asked him to choose the programmes. From wild dogs in Africa to an environmentalist in England, the screen was awash with caring, socially types of the all-for-one, one-for-all school.

The environmentalist was George Monbiot, described in the listings as "Britain's most-arrested environmental activist". Is there a league table of arrested environmentalists, as for schools and hospitals? There's a thought for Michael Howard.

Monbiot surveyed the green and pleasant land in If I Were Prime Minister (Channel 4). He found it fenced. He said that 65 per cent of the land was owned by 1 per cent of the people, which is a startling statistic. Or it would be, were it a statistic. Actually it was a "rough guess".

The programme was flawed in that it tried to cover too much ground. The full half-hour would have benefited from being devoted to our disgraceful planning laws and Mondiot is correct in wanting the right of appeal — which extends to organisations but not individuals — abolished.

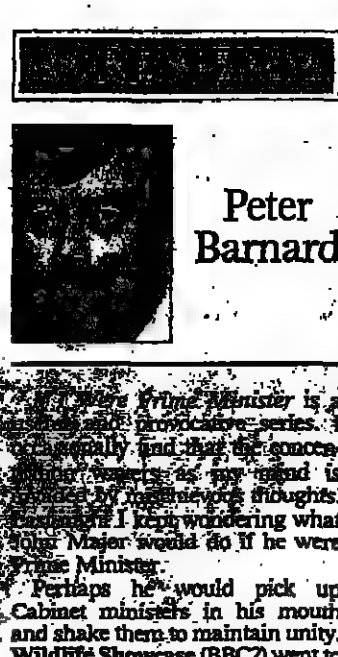
Even this part of the argument suffered from an overdose of rhetoric. "Do we really need a quarry that's so big it can be seen from the Moon?" Mondiot asked. To which the clinical response is that with nobody living on the Moon, who cares?

The planning case was no sooner up and running than Mondiot changed the script to berate out-of-town shopping centres, which he is of course against. So is the Government, and it happens, which is why these supermarkets have been banned, although 200 are in the pipeline with permission already granted.

Hardly was that issue out for an airing before Mondiot switched to his prime target, land ownership. For this section a sitting duck had been selected, namely Lord Macdonald, a man who is to public relations what Dawn French is to anorexia.

Lord Macdonald owns a chunk of the Chilterns and has no plans to invite you and me over for tea (the public are "vulpes"). But the fact that the defence is landlocked and prone to whimsy tactics does not make the programme any more palatable.

Perhaps he would pick up Cabinet ministers in his mouth and shake them to maintain unity. Wildlife Showcase (BBC2) went to



Peter Barnard

Botswana and Namibia to see if social engineering could be inflicted on dogs. Answer: not so far. In Namibia, wild dogs are all but extinct, having been shot as vermin. So the authorities captured puppies and reared them, later releasing them in the hope that their natural survival instincts would rise to the surface.

Unfortunately these instincts had been buried too deep. Where as they should organise to hunt in a pack, individual dogs began chasing individual gazelles, which was a disaster for the animals.

Other wild animals are being introduced to Botswana, where the wild dogs have been reintroduced. The other pack members take turns as babysitters and food gatherers. The Namibian pack has lost this team spirit and ended up a sorry bunch of individual scavengers.

Blessed relief from all this caring stuff arrived at 11.15pm in

black and white. Ella Fitzgerald Sings (BBC2) was a concert from 1965 and is the first of two programmes (the other goes out tonight) transmitted as a tribute to the marvellous singer who died recently.

I had the luck to be brought up listening to Fitzgerald records and the voice wings through the air from 31 years ago as if newly minted. She seems to have been born with the lungs of a horse and the larynx of a nightingale.

When she stood up, aged 15, to sing with the Chick Webb orchestra I would guess several thousand female hopes sought other employment on grounds of unfair competition. Fitzgerald was everything they wished to be, and more.

Last night's concert was recorded in London with the Johnnie Spence orchestra and the Tommy Flanagan trio. Great backing, but

Fitzgerald could stand up in front of a Boys' Brigade band and make it swing like a pendulum.

Ira Gershwin was quoted at the start of the programme as saying: "I never knew how good our songs were until I heard Ella sing them." She was criticised in her time for using some unworthy material and purists still argue as to whether she was a jazz singer or a popular singer.

A hell of a singer, is what she was. There were moments last night when one hardly knew whether to drool over her perfect pitch, her perfect timing, or her perfect diction.

Occupants of this space are of course supposed to drool over programmes made in colour and containing modern ideas. But occasionally there comes to the screen, usually by way of a death, a faultless performer from out of the past. When that happens, wild dogs wouldn't drag me away.

- BBC1**
- 6.00am Business Breakfast (14448)
 - 7.00am BBC Breakfast News (CeeFax) (45719)
 - 9.00am Breakfast News Extra (CeeFax) (300750) 9.30am Ready, Steady, Cook (CeeFax) (1670639) 9.50am Living Dangerously (CeeFax) (C) (7282516)
 - 10.20am FILM: Dinner at Eight (1930). Television remake of George Cukor's 1933 drama of snobbery and in-fighting in New York society, with Marsha Mason, Harry Hamlin, Lauren Bacall and Charles Durning (22744887)
 - 12.00am News and weather (CeeFax) (2496003)
 - 12.05pm The Noble Guide (C) (2344061)
 - 12.30am Neighbours (C) (8607239)
 - 1.00am News and weather (CeeFax) (48806)
 - 1.30am Regional News (12425238)
 - 1.40am Small Talk (C) (CeeFax) (C) (82020332)
 - 2.10am Entertainment Microview (C) (89827019) 2.30am Lovejoy (C) (91171325) 3.20am Perry Mason (CeeFax) (1846330) 4.50am Knots Landing (C) (8932339)
 - 5.35am Neighbours (CeeFax) (C) (458784)
 - 6.00am News & Weather (CeeFax) (871)
 - 6.30am Regional News Magazine (351)
 - 7.00am The Good Food Show. Pete McCarthy pops out for a poppulum when he goes for an "Indian" Juliet Morris finds out if the Americans have got our ice-cream licked (CeeFax) (C) (3897)
 - 7.30am EastEnders. It's a big day for Pat, but David and Lorraine face an unexpected problem of their own (CeeFax) (C) (535)
 - 8.00am Down to Earth: Nembla — Sand and Sea. Jonathan Scott begins his safari in north west Namibia, on the Skeleton Coast. Here he finds a national park with animals more familiar in the Antarctic. Then he heads for the heat of the Namib desert to search for the formidable and rare black rhino (CeeFax) (C) (5245)
 - 8.30am Goodnight Sweetheart. Gary discovers that settling down in 1941 is not quite what he imagined, but, having committed suicide in 1994, it won't be easy going back home (C) (CeeFax) (C) (1822)
 - 9.00am News, Regional News, Weather (CeeFax) (C) (940149)
 - 9.30am Law Women: The Governor (CeeFax) (C) (940149)
 - 10.20am FILM: The Year of Living Dangerously (1983) with Mel Gibson, Sigourney Weaver and Linda Harris. In 1965 journalist Guy Hamilton is in Indonesia on the verge of revolution. Hamilton falls for an attaché at the British Embassy, but the conflict between their passion and their ambitions threatens to destroy them both. Directed by Peter Weir (CeeFax) (230093)
 - 12.15am FILM: East of Elephant Rock (1976). With John Hurt, Judi Bowker, Christopher Cazenove, Jeremy Kemp, Anton Rodgers, and Valerie. A tale of love and intrigue set in 1948 in colonial Malaya. A British officer at the British Embassy who is suspected of sympathising with the local rebels on an affair with a plantation owner's wife which is destined to lead to tragedy. Directed by Dan Boyd (CeeFax) (313388)
 - 1.45am Weather (5703069)

- BBC2**
- 6.00am Open University: General Relativity: at the Frontier (5081803) 6.25am Oceanography (5977210) 6.50am Deserts (5952716) 7.15am See Hear Breakfast News (CeeFax) (C) (424116) 7.30am Semtex Adventures (5289806) 7.55am Get Your Own Back (5022245) 8.20am Postman Pat (6423887) 8.40am The Record (5803871) 9.05am The Great Depression (5104808)
 - 10.00am Playdays (5408210) 10.20am Man in a Suitcase (5442531) 11.10am The Addams Family (b/w) (4923425) 11.35am Great Crimes and Trials of the 20th Century (5730322) 12.05am The Phil Silvers Show (b/w) (7317245)
 - 12.30am Working Lunch (51426) 1.00am Postman Pat (7638719) 1.15am A-Z of Food (72100081) 1.25am Wear It Well (76294326) 1.40am The Oprah Winfrey Show (CeeFax) (2326581) 2.20am A Week to Remember (5857253) 2.30am The Time of Your Life (7446852) 2.50am Year of the Pter (307733) 3.00am News and weather (548158) 3.05am Westminster (5205852) 3.55am News and weather (2848582)
 - 4.00am Cartoon (7585790) 4.05am Peter Pan and the Pirates (2855500) 4.30am Ocean Odyssey (CeeFax) (448) 5.00am Newsround (5779055) 6.10am Active-A. Olympics edition (7188216)
 - 6.35am I'm Still a Tourist (344038)
 - 6.50am FILM: Hercules (1957). With Steve Reeves, Sylvia Koscina, Glenna Corbett, and Fabrizio Mironi. Hercules relinquishes immortality to walk the Earth as a normal man, then he loses the Amazon and helps Jason and the Golden Fleece, as you would. Directed by Pietro Francisci (5486253)
 - 7.30am Black Britain: Back to School. Why some black parents are sending their children to be educated in Caribbean schools, not Britain's education system (CeeFax) (C) (177)
 - 8.00am Public Property: Nicholas Haslam (CeeFax) (C) (3887)
 - 8.30am Tracks. Advice on reading historic landscapes and perhaps understanding a Roman legionnaire's small change, using electronic help (CeeFax) (C) (5822)
 - 9.00am Murder One: Chapter 20. The attorneys deliver their closing arguments in the Avon trial (CeeFax) (C) (180974)
 - 9.45am Panorama: The Drugs Olympics. Tom Mangold talks to Olympic athletes en route to this year's Games who admit to have taken drugs. (CeeFax) (310790) Followed by Video Nation Show
 - 10.30am Newswatch (CeeFax) (522413)

- Public Property**
- BBC2, 8.00pm**
- As an interior designer Nicholas Haslam is firmly at the top end of the market. His clients tend to be the rich and the famous, from pop stars to Arab princes. For the purposes of this film, however, he agrees to forsake his usual territory (and ample fee) and redesign a doctor's surgery in suburban Croydon. After sumptuous drawing rooms for the likes of Bryan Ferry, it may seem a comedown but Haslam tackles the project with enthusiasm. When he first sees it, the surgery is a drab and sterile affair, but his ideas are tough and realistic. He is more than a little bit of a showman, but his ideas are tough and realistic. He is more than a little bit of a showman, but his ideas are tough and realistic. He is more than a little bit of a showman, but his ideas are tough and realistic.
- Genderquake**
- Channel 4, 8.00pm**
- For the highest divorce rate in Britain (possibly Europe) you have to go to Guildford and it is one of Susan Tully's stops as she continues to explore the shifting power balance between men and women. The thesis of Genderquake is that the changing job market is not just a matter of economics but is affecting personal relationships. As women's earnings and job opportunities increase, they are less prepared to stay at home and do the chores. Seven out of ten divorces are initiated by women and the film suggests that this is no coincidence. Divorces in Guildford, at least, seem happy to be shot of their partners. But many men are having a tough time. Unable to rely on traditional jobs in heavy industry, they are having to rethink not only their domestic roles but their very masculinity.
- True Stories: Crime of the Wolf**
- Channel 4, 9.00pm**
- The specialty of the True Stories series is in screening documentaries that run to the length of a feature film. But Crime of the Wolf, made over two years in Russia by Kevin Sim and Olga Budasheva, is not so much feature as blockbuster. A running time of 2½ hours may seem daunting, but the longeurs are forgotten as the story builds to a tense and emotional climax. In a plot beloved of Hollywood scriptwriters, but here shown of all glamour, a woman prosecutor falls in love with the criminal due to help bring to justice. Although he is wanted for five murders and countless armed robberies she cannot see the evil in him. Drawing on interviews with the couple, the narrative unfolds in a leisurely, enigmatic style and makes atmospheric use of railway journeys, snowscapes and bleak prison cells.
- Law Women: The Governor**
- BBC1, 9.30**
- A series of excellent films about women highlights concludes with a portrait of Stacey Tasker, only 36 but deputy governor of Maidstone Prison. What strikes you about Tasker, who combines the burdens of a demanding job with bringing up a small daughter, is how much she smiles. In many ways of releasing tension, or even of hiding it. To the television camera, at least, she never appears thrown. But she is serious enough about the job, mindful of the need to balance the security of the prison and the care of prisoners, and declares that if ever hanging were brought back she would resign immediately. At the same time she can be tough with the inmates, who include many lifers and other hard cases. Her promotion, announced at the end of the film, comes as no surprise.

- HTV**
- 6.00am GMTV (1439993)
 - 9.25am The Real Ghostbusters (5701790)
 - 9.50am Hope and Gloria (7104784)
 - 10.20am News (5803032)
 - 10.25am HTV News (5803897)
 - 10.30am FILM: The Regus Station (1980) with Beth Buchanan, Brian Rooney and Michael Fawcett. A woman and her children have to overcome many difficulties when they begin a new life in New Zealand (5819055)
 - 12.20am HTV News (2455887)
 - 12.30pm News and weather (5868264)
 - 12.55am Shortland Street (C) (5801055) 1.25am Simply Delicious with Family and Friends (C) (5127051) 2.00am Home and Away (Telex) (C) (5179450) 2.25am Murder, She Wrote (C) (7074422)
 - 3.20am News (5484448)
 - 3.25am HTV News (5484719)
 - 3.30am The Magic House (5865516) 3.40am Tots TV (1251142) 3.50am Sylvester and Tweedy (585332) 4.00am Beddie the Little Helicopter (7482330) 4.15am Transylvania Pet Shop (5893055) 4.40am Finders Keepers (2558448)
 - 5.10am The Dressing Up Show (755719)
 - 5.40am News (Telex) and weather (586185)
 - 6.00am Home and Away (C) (Telex) (527429)
 - 6.25am HTV News (Telex) (785332)
 - 7.00am Emmerdale. Sue's becomes a problem for Zak (Telex) (4968)
 - 7.30am Secrets of the Lovers. Photographer Chris Chapman visits the Blue Valley, which is devoted to the preservation of wildlife (Telex) (803)
 - 8.00am The Bill. Cyw has to pick up the pieces when a teenage robbery by a buy into drug-dealing (Telex) (7413)
 - 8.30am 10pm. More chaotic comedy at the offices of Eden Magazine (9448)

- HTV WALES**
- As HTV West except:
- 5.10pm-5.40pm Yai Can Cook: the Best of China (7755719)
 - 6.25-7.00am Wales Tonight (785332)
 - 7.30-8.00am Time Out (503)
- As HTV West except:
- 10.30am Lady Boss (5819055)
 - 12.55pm Emmerdale (5801055)
 - 1.25-1.55am Cross Wits (5127516)
 - 1.55am Home and Away (52946784)
 - 2.25am Liz Earle's Lifestyle (5187787)
 - 2.55-3.20am A Country Practice (7548663)
 - 3.10-3.40am Home and Away (7755719)
 - 3.40-4.00am Westcountry Live (58974)
 - 4.00-4.30am No Place Like Home (503)
 - 4.30-5.00am Prisoner Cell Block H (587326)
- As HTV West except:
- 10.30am Lady Boss (5819055)
 - 12.55pm Home and Away (5801055)
 - 1.25am Cross Wits (5127516)
 - 1.55am A Country Practice (7548663)
 - 2.20am Liz Earle's Lifestyle (5187787)
 - 2.50-3.20am Simply Delicious in France and Italy (585330)
 - 3.10-3.40am Shortland Street (7755719)
 - 3.40-4.00am Central News (785332)
 - 4.00-4.30am The Millionaire (503)
 - 4.30-5.00am Double Deception (24790)
 - 5.10am Late & Loud (448727)
 - 5.10am Pearly Business (5144)
 - 5.10am The Good Sex Guide... Late (133497)
 - 5.10am The Big Match — Replayed (7913949)
 - 5.10am Jobfinder (5877058)
 - 5.10am Asian Eye (123008)

- CHANNEL 4**
- 6.30am Chicken Minute (C) (84018)
 - 7.00am The Big Breakfast (38429)
 - 9.00am FILM: It All Came True (1940, b/w) with Humphrey Bogart and Ann Blythe. A comedy-drama about a gangster who is reformed by the owners of a boarding house he is hiding out in. Directed by Lewis Seiler (Telex) (3042429)
 - 10.45am FILM: Best of the Devil (1954, b/w) with Humphrey Bogart, Jennifer Jones, Glen Ford, and John Hodiak. A comedy thriller directed by John Huston (Telex) (50438513)
 - 12.30pm On the Road to the Islands (Telex) (C) (58697)
 - 1.00am Sesame Street (C) (41852)
 - 2.00am Cartoon. Animation. Followed by Gerald McBoing Boing (585330)
 - 2.15am FILM: Best Foot Forward (1943). Musical with Lucille Ball and Tommy Dick. Directed by Edward Buzzell (239425)
 - 4.00am Blockade (Telex) (C) (332) 4.30am Countdown (Telex) (C) (519) 4.50am Ricki Lake (Telex) (C) (585284) 5.45am Terrors (344822)
 - 6.00am Bloomers. At the senior prom, Bloomers, Joy and Six must overcome the odds with their partners (C) (Telex) (C) (448871)
 - 6.25am Tour de France. The 16th stage, from Agen to Lourdes Hautacam (783974)
 - 7.00am Channel 4 News (510887)
 - 7.55am The Slot (154448)
 - 8.00am Genderquake. Susan Tully meets divorced women in Surrey and meets a group of men who have had to shed their traditional macho image in order to survive as "new 1990s men" in Glasgow (Telex) (5035)
 - 8.30am Brookside. Jimmy's determination. Jim Jackie with Mick and Mick's reaction to Leo's beating his Darryl like a slap in the face (Telex) (C) (8000)

- Forbidden love for Maduev (8.00pm)**
- True Stories: Crime of the Wolf**
- Channel 4 (Telex) (C) (1807622)**
- Kevin Sim and Olga Budasheva. A running time of 2½ hours may seem daunting, but the longeurs are forgotten as the story builds to a tense and emotional climax. In a plot beloved of Hollywood scriptwriters, but here shown of all glamour, a woman prosecutor falls in love with the criminal due to help bring to justice. Although he is wanted for five murders and countless armed robberies she cannot see the evil in him. Drawing on interviews with the couple, the narrative unfolds in a leisurely, enigmatic style and makes atmospheric use of railway journeys, snowscapes and bleak prison cells.
- 11.25am FILM: Turbulence**
- Channel 4 (Telex) (C) (1807622)**
- Greta Scacchi, John Chen and Jack Thompson. A political drama about an Australian photo-journalist who puts his life in danger when he goes to cover the plight of the Vietnamese boat people in Malaysia (Telex) (C) (35853)

VideoPlus+ and the Video PlusCode

The numbers in VideoPlus+ programme listings allow you to programme your video recorder instantly with a VideoPlus+ (V+) code. The Video PlusCode for the programme you wish to record. VideoPlus+ (V+), VideoPlus+ (V+) and Video Programmer are trademarks of Gemstar Development Ltd.

Performing: Ella Fitzgerald (11.15pm)

11.15am Ella Fitzgerald at Ronnie Scott's. This second film showcasing the talents of the singer, who died last month, was recorded in London in 1974 (210806)

12.00am The Midnight Hour (23017)

12.30am-6.00am The Learning Zone

The Menendez brothers (8.00pm)

9.00am Menendez: a Killing in Beverly Hills. Dramatisation of the trial of the Menendez brothers for the murder of their wealthy parents. With Edward James Olmos (1/2) (8429) Continues after the news

10.00am News at Ten (Telex) (28413)

10.10am News at Ten (Telex) (28413)

10.40am Menendez: a Killing in Beverly Hills. Concludes tomorrow (511351)

11.25am Bodies of Evidence (587326)

12.00am FILM: Stand Alone (1985) with Charles Durning, Pam Grier and James Keach. A retired man places himself in danger by offering to testify against a drug syndicate after witnessing a brutal murder. Directed by Alan Bell (586330)

2.10am Late & Loud (C) (518920)

3.15am The Cheat Show (C) (C) (549838)

4.10am Murder, She Wrote (C) (C) (551221)

5.00am Striving and the Kingmen (28291)

5.30am Morning News (11272)

For more comprehensive listings of satellite and cable channels, see the Vision supplement, published Saturday

SKY ONE

- 7.00am-10.00am (18135) 8.00am Press Your Luck (1952239) 9.00am Love Connection (13629) 10.00am CBS News (26239) 2.30am Entertainment Weekly (5807516)
- 10.40am International Jeopardy (5807516)
- 11.00am Sally Jessy Raphael (1357500) 12.00am Singing (13523) 1.00am Oprah Winfrey (5807516) 1.30am CBS News (26239) 2.00am Oprah Winfrey (5807516) 2.30am Oprah Winfrey (5807516) 3.00am Oprah Winfrey (5807516) 3.30am Oprah Winfrey (5807516) 4.00am Oprah Winfrey (5807516) 4.30am Oprah Winfrey (5807516) 5.00am Oprah Winfrey (5807516) 5.30am Oprah Winfrey (5807516) 6.00am Oprah Winfrey (5807516) 6.30am Oprah Winfrey (5807516) 7.00am Oprah Winfrey (5807516) 7.30am Oprah Winfrey (5807516) 8.00am Oprah Winfrey (5807516) 8.30am Oprah Winfrey (5807516) 9.00am Oprah Winfrey (5807516) 9.30am Oprah Winfrey (5807516) 10.00am Oprah Winfrey (5807516) 10.30am Oprah Winfrey (5807516) 11.00am Oprah Winfrey (5807516) 11.30am Oprah Winfrey (5807516) 12.00am Oprah Winfrey (5807516)

SKY NEWS

- News on the hour.
- 6.00am-7.00am (700239) 8.30am Fashion TV (5807516) 9.00am News (5807516) 9.30am News (5807516) 10.00am News (5807516) 10.30am News (5807516) 11.00am News (5807516) 11.30am News (5807516) 12.00am News (5807516) 12.30am News (5807516) 1.00am News (5807516) 1.30am News (5807516) 2.00am News (5807516) 2.30am News (5807516) 3.00am News (5807516) 3.30am News (5807516) 4.00am News (5807516) 4.30am News (5807516) 5.00am News (5807516) 5.30am News (5807516) 6.00am News (5807516) 6.30am News (5807516) 7.00am News (5807516) 7.30am News (5807516) 8.00am News (5807516) 8.30am News (5807516) 9.00am News (5807516) 9.30am News (5807516) 10.00am News (5807516) 10.30am News (5807516) 11.00am News (5807516) 11.30am News (5807516) 12.00am News (5807516) 12.30am News (5807516) 1.00am News (5807516) 1.30am News (5807516) 2.00am News (5807516) 2.30am News (5807516) 3.00am News (5807516) 3.30am News (5807516) 4.00am News (5807516) 4.30am News (5807516) 5.00am News (5807516) 5.30am News (5807516) 6.00am News (5807516) 6.30am News (5807516) 7.00am News (5807516) 7.30am News (5807516) 8.00am News (5807516) 8.30am News (5807516) 9.00am News (5807516) 9.30am News (5807516) 10.00am News (5807516) 10.30am News (5807516) 11.00am News (5807516) 11.30am News (5807516) 12.00am News (5807516) 12.30am News (5807516) 1.00am News (5807516) 1.30am News (5807516) 2.00am News (5807516) 2.30am News (5807516) 3.00am News (5807516) 3.30am News (5807516) 4.00am News (5807516) 4.30am News (5807516) 5.00am News (5807516) 5.30am News (5807516) 6.00am News (5807516) 6.30am News (5807516) 7.00am News (5807516) 7.30am News (5807516) 8.00am News (5807516) 8.30am News (5807516) 9.00am News (5807516) 9.30am News (5807516) 10.00am News (5807516) 10.30am News (5807516) 11.00am News (5807516) 11.30am News (5807516) 12.00am News (5807516) 12.30am News (5807516) 1.00am News (5807516) 1.30am News (5807516) 2.00am News (5807516) 2.30am News (5807516) 3.00am News (5807516) 3.30am News (5807516) 4.00am News (5807516) 4.30am News (5807516) 5.00am News (5807516) 5.30am News (5807516) 6.00am News (5807516) 6.30am News (5807516) 7.00am News (5807516) 7.30am News (5807516) 8.00am News (5807516) 8.30am News (5807516) 9.00am News (5807516) 9.30am News (5807516) 10.00am News (5807516) 10.30am News (5807516) 11.00am News (5807516) 11.30am News (5807516) 12.00am News (5807516) 12.30am News (5807516) 1.00am News (5807516) 1.30am News (5807516) 2.00am News (5807516) 2.30am News (5807516) 3.00am News (5807516) 3.30am News (5807516) 4.00am News (5807516) 4.30am News (5807516) 5.00am News (5807516) 5.30am News (5807516) 6.00am News (5807516) 6.30am News (5807516) 7.00am News (5807516) 7.30am News (5807516) 8.00am News (5807516) 8.30am News (5807516) 9.00am News (5807516) 9.30am News (5807516) 10.00am News (5807516) 10.30am News (5807516) 11.00am News (5807516) 11.30am News (5807516) 12.00am News (5807516) 12.30am News (5807516) 1.00am News (5807516) 1.30am News (5807516) 2.00am News (5807516) 2.30am News (5807516) 3.00am News (5807516) 3.30am News (5807516) 4.00am News (5807516) 4.30am News (5807516) 5.00am News (5807516) 5.30am News (5807516) 6.00am News (5807516) 6.30am News (5807516) 7.00am News (5807516) 7.30am News (5807516) 8.00am News (5807516) 8.30am News (5807516) 9.00am News (5807516) 9.30am News (5807516) 10.00am News (5807516) 10.30am News (5807516) 11.00am News (5807516) 11.30am News (5807516) 12.00am News (5807516) 12.30am News (5807516) 1.00am News (5807516) 1.30am News (5807516) 2.00am News (5807516) 2.30am News (5807516) 3.00am News (5807516) 3.30am News (5807516) 4.00am News (5807516) 4.30am News (5807516) 5.00am News (5807516) 5.30am News (5807516) 6.00am News (5807516) 6.30am News (5807516) 7.00am News (5807516) 7.30am News (5807516) 8.00am News (5807516) 8.30am News (5807516) 9.00am News (5807516) 9.30am News (5807516) 10.00am News (5807516) 10.30am News (5807516) 11.00am News (5807516) 11.30am News (5807516) 12.00am News (5807516) 12.30am News (5807516) 1.00am News (5807516) 1.30am News (5807516) 2.00am News (5807516) 2.30am News (5807516) 3.00am News (5807516) 3.30am News (5807516) 4.00am News (5807516) 4.30am News (5807516) 5.00am News (5807516) 5.30am News (5807516) 6.00am News (5807516) 6.30am News (5807516) 7.00am News (5807516) 7.30am News (5807516) 8.00am News (5807516) 8.30am News (5807516) 9.00am News (5807516) 9.30am News (5807516) 10.00am News (5807516) 10.30am News (5807516) 11.00am News (5807516) 11.30am News (5807516) 12.00am News (5807516) 12.30am News (5807516) 1.00am News (5807516) 1.30am News (5807516) 2.00am News (5807516) 2.30am News (5807516) 3.00am News (5807516) 3.30am News (5807516) 4.00am News (5807516) 4.30am News (5807516) 5.00am News (5807516) 5.30am News (5807516) 6.00am News (5807516) 6.30am News (5807516) 7.00am News (5807516) 7.30am News (5807516) 8.00am News (5807516) 8.30am News (5807516) 9.00am News (5807516) 9.30am News (5807516) 10.00am News (5807516) 10.30am News (5807516) 11.00

CYCLING 38

ITALIAN ENJOYS
DAY IN THE
TOUR SPOTLIGHT

SPORT

TUESDAY JULY 16 1996

Popular American forced out of this year's Open Championship

Watson's run ended by injury

BY JOHN HOPKINS
GOLF CORRESPONDENT

THE 125th Open, which starts at Royal Lytham and St Annes on Thursday, was dealt a blow yesterday afternoon when Tom Watson withdrew from it because of an injured shoulder.

Watson, who has been playing social golf in Ireland and Scotland prior to the Open, as has been his wont for some years now, telephoned Michael Bonallack, the secretary of the Royal and Ancient Golf Club, with the news that he was unable to play and was flying home to the United States for immediate treatment. He then telephoned Bruce Edwards, his caddy, from somewhere in the Highlands, to tell him that his services would not be required.

Watson has been one of the greatest supporters of the Open, as well as one of its most successful competitors with five victories. He won the first he entered — at

Eales dreams on 41
Boxall reigns 41
Qualifying scores 41

Carnoustie in 1975 — and had not missed one since. The last major championship he did not compete in was the 1974 Open, a run of 87 consecutive major championships.

The injury occurred before Watson left the United States, but it did not stop him playing at Ballybunion, where he has done some alterations to several holes on the Old course, for two days last week. He and Stan Thirk, his coach, had landed at the Co Kerry airport in a private jet from the US. The plan was to go to Northern Ireland but upon being apprised of the political situation there, the pilot declined to fly north. "We can stay here for a week," Watson said, his face lighting up.

In Ireland, Watson was asked why no American professional had won at Lytham. "Just timing," he replied, holding up his hands. He said he fully expected one to win this year, saying there were 39 due to compete. He particularly singled out Mark Brooks and Mark O'Meara, both of whom



Els, left, and Norman are interested spectators as Daly, the Open champion, checks the condition of his driver during practice yesterday

were, coincidentally, at Ballybunion with him, and Steve Stricker, the promising 29-year-old who has won twice in six weeks on the US Tour this year. "When I look at Steve I see myself at that age," Watson said. "He is a rookie at the Open but he has what it takes."

The Watson party flew on to Scotland and played at Skibo Castle, where Greg Norman and Fred Couples were also staying, as well as Royal Aberdeen where Watson allegedly had a 69. "Tom must be

really hurting if he hasn't even made it here," Edwards said. "As well as he's been playing he would have had a great chance." Edwards will now caddy for Ian Baker-Finch, who has made money in only one of his past 41 tournaments. "Hopefully, together we can break that string," Edwards said. "If Finch wasn't such a decent guy I wouldn't caddy for him."

The sun shone benevolently yesterday and only the gentlest of north-westerly winds was blowing, luring one player after another out on the links almost as soon as they arrived in this corner of Lancashire.

Greg Norman and John

Daly, the defending champion, played a match against Ernie Els and Michael Campbell, the young pretenders from the southern hemisphere. Norman and Daly, though having to pay out \$200 on the front nine, won \$700 on the back nine to finish \$500 to the good. It was Norman's first visit to Lytham since 1979. He missed the 1988 event because he had injured a wrist in the US Open a month previously.

"I think this is a great driver's course," Norman, who had flown in after a holiday in the south of France and playing a *Shell Wonderful World of Golf* match against Couples at Skibo Cas-

tle, said. "You've got to thread the eye of a needle here. There is a real premium in keeping it on the fairway. In that regard it's like Royal St Georges." Daly looked down the 18th fairway and remarked that it had more bunkers than he had ex-wives.

The by now traditional withdrawal of Scott Hoch took place right on schedule. The man who feels he was ambushed by aggressive British journalists and shabbily treated prior to the 1990 Open at St Andrews, won the Michelob championship in Virginia on Sunday night and then confirmed he was not intending to travel to Lytham.

"I realise it's a major — one

of the biggest if not the biggest," Hoch said. "But I checked with people whose opinions I value and they said I wouldn't like Lytham anyway."

Earlier he had said: "The main thing I dislike when you go from over here is that you go from nice weather conditions to cold, windy and rainy weather. I don't care for that." His remarks would have more validity if it were not for the fact that next week he is due to compete in the Dutch Open — no doubt for a hefty appearance fee.

Lorne Duncan, a caddy, would have liked Hoch to have competed because he might have been able to carry his bag. Duncan, an engaging Canadian, made a name for himself in a recent Open by carrying for Craig Stadler while wearing plus fours and a bow tie. He was loitering in the car park yesterday, hoping to find a player in need of his services.

He saw Norman practising his putting, approached him and, tongue in cheek, asked if he needed a caddy. Norman laughed. "That's good," Duncan said. "At least I'm providing some entertainment."

Then Stadler drove into the car park, one of the last players to arrive. But he did not need a caddy either.

It will be odd to watch an Open without Watson because he has played such an important role in so many. Even lately, as his putting has declined and thus his chances of winning have lengthened, his popularity has increased, if anything. When Severiano Ballesteros heard the news, he caught the general mood.

"That's too bad," the man who won here in 1979 and 1988, said. "He is a nice man and it was good to see him win The Memorial recently."

English rugby seeks way in from the cold

By DAVID HANDS, RUGBY CORRESPONDENT

OFFICERS of the beleaguered Rugby Football Union (RFU) were locked in talks yesterday in an effort to break the deadlock that exists between them and the other three home unions. Doors remain open for discussion, but representatives of Scotland, Wales and Ireland have emphasised that the initiative now rests firmly with England.

Will Carling, the former England captain, has called for a return to the negotiating table over the controversial broadcasting deal struck independently of the Celtic unions by the RFU with BSkyB, the satellite television company which is 40 per cent owned by News International, owners of *The Times*. That would involve a climbdown by a union which is now a house divided.

The RFU is in no position to offer leadership to the game in England, never mind the wider boundaries of Europe and the northern hemisphere. To that extent the logic of John Burgess, the former RFU president who launched a bitter diatribe against the union's officials on Friday, cannot be faulted. What sort of a governing body is it that requires an independently-chaired panel to examine the breakdown in relationships between its own officers and staff?

Scotland, Wales and Ireland, for their part, are already preparing for the four nations' home-and-away, tournament with which they will replace the existing five nations' championship in January should no way be found out of the present impasse. "If we are to re-schedule fixtures and accommodate them within our own domestic calendars, work must start now," Alan Hossie, Scotland's representative on the five nations' committee, said.

"International rugby can continue without England and, until such time as the RFU is prepared to negotiate all matters relating to the five nations' championship through the five nations' committee, we must make our alternative plans accordingly." The other home unions have stressed that, if the RFU resorts to the small print in the existing BBC broadcasting contract, which does not end until next April, it will fail.

"Any talk by England of legal action is silly," Vernon Pugh, the chairman of the

Welsh Rugby Union and himself a QC, said. "We have discussed the four nations' tournament with the BBC and they have given us assurances that they have no difficulty with it at all."

The BBC bought a series of international matches, not a specific championship. They are happy and their conduct throughout all this has been entirely honourable.

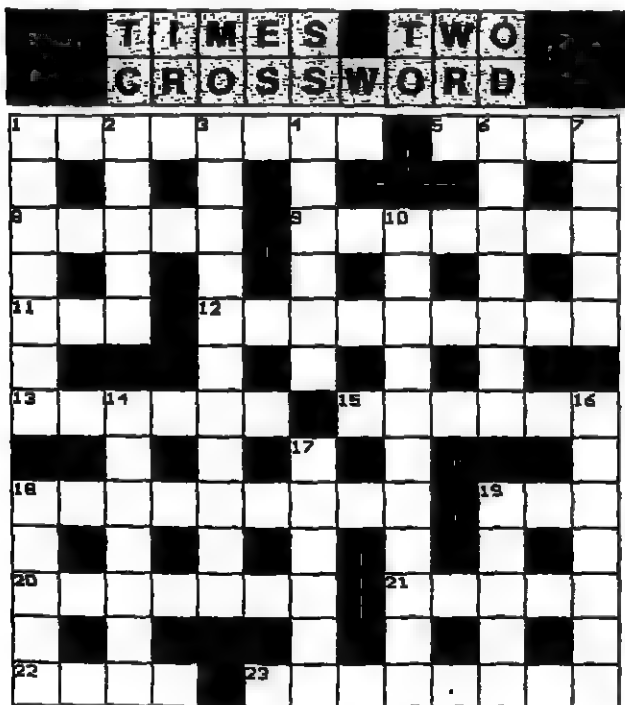
In fact, though BBC executives were thin on the ground yesterday — waiting with some impatience for rugby union to sort itself out — it may suit them to hold their fire. The RFU has emphasised all along (indeed, it is a fundamental plank in its argument) that it has allowed for a terrestrial partner to Sky in its negotiations; if none comes forward, its contract must be at risk.

At least the BBC knows it will have some rugby to stage next season, and possibly in subsequent seasons, if the home unions remain at arm's length from England. "It's desperate if England are not there but it could turn out to be a cracking tournament rugby-wise, with the home-and-away element encouraging greater risks," Pugh, whose team, along with Scotland, played the brightest rugby of last season's championship, said. "It might be the beginning of the game turning a corner in the north."

Already there has been concern from South Africa over next summer's tour by the British Isles and Lions officials have been at pains to emphasise no threat to that tour exists. Their concern is to select individual players to tour and, as history shows, those players may not always have played international rugby during the preceding season.

Carling entered the fray yesterday when he said: "I don't believe English rugby can survive without the five nations. Players will feel tremendous frustration ... if international rugby is taken away, or placed in doubt, you're going to get very unhappy players who I don't think will just sit and accept the situation."

Players whose national contracts, Carling might have added, may all of a sudden be worth far less than might have been expected.



No 835

ACROSS

- 1 First-class, superb (3-5)
- 3 Wife/sister of Osiris (4)
- 5 Mishandle; catcalls (5)
- 9 Fresh (egg) (3-4)
- 11 Charge for eg entrance (3)
- 12 School lesson list (9)
- 13 Sculptor; a knife, a chair (6)
- 15 Tricked, duped (6)
- 16 Clumsy, tactless (9)
- 18 Our air force (1,1,1)
- 20 Car (frame) (7)
- 21 Bring into line (5)
- 22 Detest (4)
- 23 Anthony —, *Barset* author (8)

DOWN

- 1 Moving vehicles; trade (7)
- 2 Strait-faced person (5)
- 3 More than expected (charge) (4,3,4)
- 4 Film theatre (6)
- 6 Orator's portable platform (7)
- 7 Move furtively (5)
- 10 Unerringly (7,4)
- 14 Dependent (7)
- 16 Resistance to attack (7)
- 17 Useful cat (6)
- 18 Bethlehem-as-birthplace prophet (5)
- 19 Proverbially thick-skinned beast (5)

SOLUTION TO NO 834

ACROSS: 1 Caged 4 Interim 5 Peaceable 9 Vim 10 Tie 11 Imbalance 12 Cadet 13 Chary 16 Scarecrow 18 Mug 20 Car 21 Overthrow 22 Starlet 23 Hurr

DOWN: 1 Cop it 2 Go-ahead 3 Dyed-in-the-wool 4 Imbibe 5 The Black Watch 6 Riven 7 Mummery 12 Customs 14 Admiral 15 Urgent 17 Aorta 19 Gower

TO READERS OF THE TIMES WE OFFER A WIDE RANGE OF TIMES PUBLICATIONS WITH FAST, EFFICIENT SERVICE PLUS FREE DELIVERY TO EU CUSTOMERS OF THE ITEMS LISTED BELOW AT RRP SEND SAE FOR FURTHER DETAILS

SUNDAY CROSSWORDS — Books 3, 6, 9, 10 to 11 £3.99 each, Books 14 to 18 £3.50 each, The Times Crossword — Book 2 £2.00 (includes 100 puzzles), Book 3 £3.50 each, Book 4 £3.50 each, Book 5 £3.50 each, Book 6 £3.50 each, Book 7 £3.50 each, Book 8 £3.50 each, Book 9 £3.50 each, Book 10 £3.50 each, Book 11 £3.50 each, Book 12 £3.50 each, Book 13 £3.50 each, Book 14 £3.50 each, Book 15 £3.50 each, Book 16 £3.50 each, Book 17 £3.50 each, Book 18 £3.50 each, Book 19 £3.50 each, Book 20 £3.50 each, Book 21 £3.50 each, Book 22 £3.50 each, Book 23 £3.50 each, Book 24 £3.50 each, Book 25 £3.50 each, Book 26 £3.50 each, Book 27 £3.50 each, Book 28 £3.50 each, Book 29 £3.50 each, Book 30 £3.50 each, Book 31 £3.50 each, Book 32 £3.50 each, Book 33 £3.50 each, Book 34 £3.50 each, Book 35 £3.50 each, Book 36 £3.50 each, Book 37 £3.50 each, Book 38 £3.50 each, Book 39 £3.50 each, Book 40 £3.50 each, Book 41 £3.50 each, Book 42 £3.50 each, Book 43 £3.50 each, Book 44 £3.50 each, Book 45 £3.50 each, Book 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Al Gore after talks with Viktor Chernomyrdin, who stood in for the absent Boris Yeltsin in Moscow yesterday

Yeltsin fails to meet Gore as health fears revive

FROM THOMAS DE WAAL IN MOSCOW

IN A BIZARRE lapse of protocol, Al Gore, the American Vice-President, arrived at the Kremlin yesterday for a meeting with President Yeltsin only to be told that he had gone on holiday.

Both sides tried rather lamely to brush off the embarrassing incident, which intensified fears about Mr Yeltsin's health and sent shivers through stock markets. Viktor Chernomyrdin, the Prime Minister, who held talks with Mr Gore instead, said that Mr Yeltsin was "resting".

A stony-faced Mr Gore, the first senior foreign guest in Moscow since Mr Yeltsin was re-elected for a new term, admitted that he had learnt the meeting had been cancelled only shortly before it was due to take place. He had only a few minutes' advantage over a large group of reporters, who had gathered to cover

the non-existent encounter. The Kremlin said the meeting with the President had been rescheduled to today and would be held in a sanatorium at Barvikha, outside Moscow.

At the same time Mr Yeltsin showed that he was politically vigorous, if not in the best of health, with a decree that gave a new liberal look to the Kremlin. He sacked the hardliner Nikolai Yegorov as his chief of staff and replaced him with Anatoli Chubais.

Kremlin aides were quick to say that Mr Yeltsin was not ill. "The President is tired," said Sergei Medvedev, the presidential spokesman. "He is really tired. He needs good and complete rest."

Mr Medvedev said Mr Yeltsin would be resting for two weeks at Barvikha, but was not in need of medical treatment. The President recuperated at Barvikha, a tradi-

tional Politburo rest home, after suffering a mild heart attack last October.

After adopting a very high profile during the election campaign, Mr Yeltsin virtually dropped out of public view after the first round of voting on June 16. He voted at Barvikha in the second round on July 3 and has been seen only in carefully controlled settings since then. In his last television appearance last Friday when he spoke at a meeting of the FSB, successor to the KGB, he looked stiff and tired but not noticeably ill.

Mr Yeltsin has run up a long list of mysterious episodes and cancelled appearances over the past four years. His staff routinely say that there is nothing wrong with his health besides a little heart trouble. But he is assumed to have a drinking problem and also said to have problems

with his liver and kidneys. Mr Medvedev said Mr Yeltsin had chosen to rest at Barvikha, instead of the Black Sea resort of Sochi, so as to be able to work on reshuffling the Government and the Kremlin apparatus.

Mr Yeltsin's first key appointment since the election will gladden the West and the Russian "democrats". He rewarded the reformist team who formed the nucleus of his re-election campaign by making Mr Chubais, a staunch liberal, the head of his administration.

Mr Chubais, who was sacked from the Government last January, has been given ten days to put forward plans for overhauling the Kremlin apparatus and has every opportunity to shape it in his own image.

The appointment is another heavy blow for the Kremlin hardliners, whose stock has plummeted since the election. Nikolai Yegorov, the outgoing chief of staff, was one of the men held most responsible for launching the war in Chechnya and a close ally of Aleksandr Korzhakov, Mr Yeltsin's security chief until he was dismissed.

A former collective farm boss, Mr Yegorov's authoritarian style went down very badly in the Kremlin. Last week a member of the administration said privately that, if Mr Yegorov stayed, all the best professionals and analysts in the administration would leave.

Mr Yeltsin is a master of the divide-and-rule school of politics and Mr Chubais will be a strong counterweight to Aleksandr Lebed, the new powerful Secretary of the Security Council.

□ Rigas Andris Shkels, the Latvian Prime Minister, said yesterday that he was reshuffling his Cabinet to streamline government, cut spending and increase efficiency. His aides insisted the changes would not destabilise the Baltic state's six-party Government of unlikely partners, who include right-wing nationalists and former Communists. (Reuters)

Great survivor takes control of the Kremlin machinery

BY THOMAS DE WAAL

ONLY six months ago, when Anatoli Chubais was cast out of government, it seemed the economic reformer was heading for a future in the burgeoning Russian private sector that would keep him from high office for years.

His return at the age of 41 to one of the half-dozen most powerful jobs in Moscow is a dramatic comeback and must now make him a leading contender to get the job of Prime Minister before President Yeltsin's new four-year term expires. The job of running the Kremlin apparatus, a new departure for a career economist, gives him day-to-day control of the whole mini-government that is the presidential administration.

Mr Chubais earned this sudden rehabilitation by being one of the main strategists of Mr Yeltsin's election victory. He gathered a team of professionals who lifted the

MAN IN THE NEWS



Chubais: back in power

President from single-figure poll ratings in February to a comfortable victory in July.

In performing that feat, Mr Chubais displayed all the characteristics which have made him the bugbear of the Communist-nationalist opposition for the past four years: a sharp intelligence, an arro-

gant conviction in himself and a fighting streak.

Tall, red-headed and fluent in English, Mr Chubais comes from a group of free-thinking Leningrad economists who met informally in the Soviet era. In late 1991, he was one of a group called in by the new acting Prime Minister, Yegor Gaidar, to form a new government. Mr Chubais oversaw what was probably the most ambitious privatisation project in history.

In December 1994, he was made First Deputy Prime Minister in charge of the economy and his efforts at achieving macroeconomic stabilisation won him applause. When he took the job, inflation was at 16 per cent a month. Eight months later it had dropped to 5 per cent.

By managing to remain in his job until January 1996, Mr Chubais proved himself to be the most tenacious of the 1992 class of reformers and the most politically astute.

Pay claim makes enemies at Friends

FROM QUENTIN LETTS IN DENVER

CAST members of *Friends*, the American television sitcom, have threatened to go on strike.

In an unusual bout of militancy, the show's glamorous stars, all of them highly bankable, are behaving in anything but an amicable manner towards their production bosses. They have allegedly refused to report for work at Warner Bros Television unless their basic pay is increased to a tidy \$100,000 (£64,000) each per episode of the top-rated show. Some 20 episodes are made a year.

The sitcom has been a great success since it opened two years ago and the previously unknown stars have become celebrities, both at home and in the many foreign countries where *Friends* amuses audiences with its mildly ironic take on six urbane twentysomethings.

Courtney Cox, Jennifer Aniston, Matthew Perry, David Schwimmer, Lisa Kudrow and Matt LeBlanc are this year's musketeers of show-business. Their love lives are chronicled in the tabloid press. Miss Aniston's haircut has set a trend (she also posed naked with a snake for

A scene from an episode of *Friends*: the smiles belie the enmity between the cast and the producers

a magazine cover), and the sextet have bagged advertising deals and endorsements.

Now they want more. At the start of the series, the actors were paid \$25,000 each per episode. That was increased, but they are not satisfied. They are said to be demanding a share of the \$4 million profit that Warner and the show's distributor, NBC, makes on each show. That profit will probably increase with time.

In line with their screen characters, the *Friends* cast is understood to be following the first rule of effective industrial action: comradeship. Film producers can normally count on the natural

insularity of actors to lead to on-set rivalries which can then be capitalised on to weaken cast's negotiating positions. But the *Friends* crowd are currently inseparable.

Warner may be reflecting that, in creating the success of *Friends*, it has created a monster. Such opinions were being voiced earlier this year when publicity for the show got out of hand. Every magazine, newspaper and television chat show, it seemed, featured an interview with a self-satisfied *Friends* star. Producers worried that the show would suffer from overkill.

Apparently formulaic, the sitcom's fine ensemble acting

and sharp script have attracted a sizeable British audience. More than four million British viewers currently tune into the new series on Channel 4, a remarkable figure for a cult comedy and twice the ratings for the first series.

The show's success has also attracted big-name guest stars, including British singer Chrissie Hynde, Tom Selleck, Julia Roberts and Jean Claude Van Damme.

Actors George Clooney and Noah Wyle, heart-throbs from the equally successful American series *ER*, appeared in one episode as doctors.

The cast of *Friends* will know that the longer they refuse to work, the greater the pressure on the producers, who must deliver shows in time for network slots and syndication demands. Legally, the players may be in a weak position.

It is normal for television series to ask stars to sign a standard five-year deal which restricts the freedom of actors to work elsewhere and limits the amount of power to negotiate pay rises. If the *Friends* cast are on such a contract, they may be boxed in until 1999, and by that time the show may have lost its freshness.

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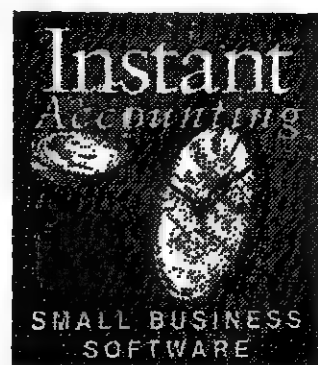
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Bullied and starved to be winners



Bela Karolyi left Ceausescu's Romania to take up coaching gymnastics in America

The dream of Olympic glory lures many girls to become gymnasts. A new book from America, however, suggests that such hopefuls endure immense physical and mental pressure with little chance of success. Quentin Letts reports

When the Olympic Games begin on Friday, the highlight for many television viewers for the following fortnight will be the women's gymnastics. Since the days of Olga Korbut and Nadia Comaneci, female gymnasts have been the darlings of the summer games, their valiant little smiles and flying pigtails winning hearts across the world.

"Ah, isn't she a doll?" we will murmur over cups of cocoa before the broadcast returns to an impressed Desmond Lynam in the studio. Even when the gymnasts know they have erred they will complete their routines with a wide

smile, and skip back to their trainers to be given a consoling hug for the cameras.

Armchair fans who want to enjoy the broadcasts from the gymnastics hall at Atlanta should avoid reading a new book by a San Francisco sports writer, Joan Ryan. She, like many of us, was initially entranced by the world of women's or, more correctly, girls' gymnastics. But when she started to talk to former US gymnasts and their parents about what actually goes on during preparations for events such as the Olympics, she was filled with disgust.

Ryan's book reports widespread warping of young American bodies and minds,

and in some cases a disregard by coaches for the wellbeing of their brittle-bodied young charges. Girls as young as six are submitted to regimes as bad, surely, as anything ever seen behind the Iron Curtain.

They are bullied by their trainers, pressured by their parents — who pay thousands of dollars in gym fees — and in extreme cases their small frames simply crumple under the demands of the adults who run their lives. Since 1990 two Olympic hopefuls in US gymnastics have died, one from malnourishment, the other from over-reaching her abilities after a terrible build-up of pressure by family and associates. Others have been

plunged into depression, and families have been riven by the demands of keeping up with their aspirations.

There are stories of food having to be smuggled in to ravenous gymnasts on tour against the wishes of their coaches, and of young girls pleading with their parents to be allowed to give up the sport.

One girl confessed to her mother that she could not bear her day off, Sunday, because it meant that the bullying and psychological agony of the week's routine was about to restart.

Fear of putting on weight has led to widespread cases of bulimia, particularly with the onset of puberty when a female body naturally increases in fat. School studies are regularly overlooked so that youngsters can spend nine-hour days in the gymnasium under the eyes of their unyielding tutors.

Bela Karolyi, a coach from Ceausescu's Romania who imported his methods to the US, is involved again this year in the American Olympics squad. He was infuriated by Ryan's book when it was published in America. A highly controversial character, he has an ability to appear at his most genial when a camera is anywhere in the vicinity — as at competitions, when he

congratulates his athletes with lavish demonstrations of affection. However, tales from his Texas gymnasium depict an unattractive martinet of a man, one who demands full authority from his athletes' parents. Ryan calls him "the high priest of insensitivity". And yet he achieves the best results.

One of Mr Karolyi's former gymnasts, Kristie Phillips, fell out with her mentor. She now says: "He's in it for himself." While the girls are enduring his strict regime "he cares about the fame and fortune he's getting out of it", she says. The coach himself dismisses many of the criticisms as "ridiculous".

In 1956 the Olympic gold and silver medalists were 35 and 21 years old. In 1968 Czechoslovakia's Věra Caslavská, who won gold, was 26, weighed 121lb and was 5ft 3in tall. "Back then," says Ryan, "gymnastics was truly a women's sport." In 1972, the Munich games belonged to Olga Korbut of the Soviet Union — 17 years old, 4ft 11in and just 85lb. Her shape is now the average for American Olympic female gymnasts.

For one gymnast every four years, the Olympic gold medalist, the numbing physical routines can pay a dividend. Korbut, Comaneci and America's most famous female gymnast, Mary Lou Retton, have grown prosperous. For the rest, more likely, there will be nothing with which to remember their hard years in the gym other than twisted sinews and wrecked childhoods. Betty Okino, a possible Olympian in 1992 until her body started to fall to pieces, can no longer write properly, such was the damage caused by taking painkillers when her arm was injured.

The end of the Olympics will doubtless see a rise in registrations at the local gym as parents encourage their children to imitate the Olympians. Lisa Marie Nelson, a California commentator on family issues, said yesterday: "Parents should think of a girl as a person first and an athlete second. They should be conscious of her feeling of self-worth and make sure it is not linked merely to her athletic performance. Some parents live vicariously through the gymnasts, but motivation has to come from the kid if he or she is to be successful."

Keith McCafferty, who used to run a Houston organisation called the Association for Young Athletes and described himself as the greatest fan

female gymnastics had in America, said his discovery of bad practices in the sport means he can no longer watch gymnastics. "I thought at first it was a very pure sport, that the athletes were motivated only by their love of gymnastics," he said. "In fact they are surrounded by adults whose main motivation is money."

USA Gymnastics, the ruling body of the sport in America, has responded to the debate which has raged since Ryan's book. It announced the formation of a "task force" to recommend improved codes of practice among coaches, judges and parents. "With over 50,000 registered female athletes, most of them adoles-

cents, USA Gymnastics recognises its responsibility," it says. The group will, in particular, study eating disorders, menstrual dysfunction and osteoporosis among gymnasts.

It will develop a "mentoring" system where former national team members are paired with current elite gymnasts. Up-and-coming gymnasts will also be shown an advice video featuring testimonies from past stars about the pitfalls of preparing for international competition.

Part of the problem has been the judges. Many are blameless volunteers committed to their sport, but some, unfortunately, can have a distorted view of their own importance.

In future, judges who persist in casting "inappropriate" remarks about athletes' beauty or weight will be disciplined.

Joan Ryan says that modern female gymnastics in America "pervert the very femininity they hold so dear". She is not optimistic that her shocking book will change things. Female gymnasts, she writes, "spin on demand without complaint. When one breaks, another pops up from the next box. To close down the lid is to close down that part of our soul that still wants to believe in beautiful princesses and happy endings."

© Little Girls in Pretty Boxes by Joan Ryan is published in the UK by the Women's Press



Kristie Phillips, who has fallen out with Bela Karolyi, her former coach, claims he is only in the sport for the money and kudos that it brings

Their small frames crumple under the demands

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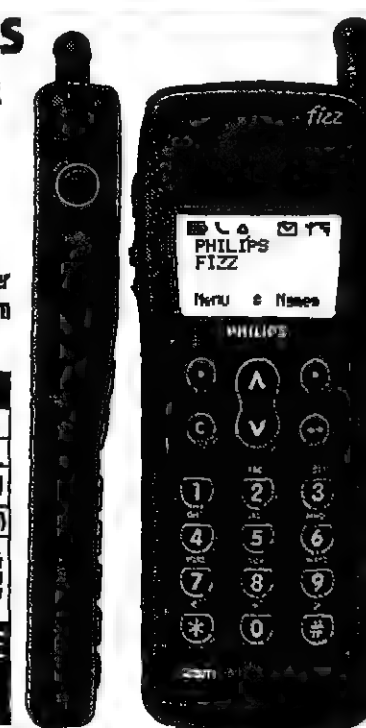
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The final part of a series: the stressful life of the MP tipped to be Labour's Minister for Women

I feel like a voyeur — I watch people with a way of life I can never share



THE WOMAN MP

I work 18 hours a day, seven days a week, so I need enormous stamina and tremendous organisation if I am to spend any time with my two children, Jessie, 15, and Matthew, 12. In order to carve out some free time, I may work through the night a couple of times a week. I used to do this a lot before I entered Parliament, working from 10pm to 4am every Tuesday and Thursday.

Your body soon adapts to the lack of sleep. If this makes me sound like a bionic woman, that's regrettable: many women who are not MPs do the same. Sometimes it's the only way you can combine a demanding career with a fulfilled family life. As it is, I find it increasingly difficult to have any spare time at all. Hobbies are out of the question.

I am helped enormously by my husband David, who, when I'm at the House in the evening, does the cooking, helps with the homework and generally looks after the children. Most nights I get back

from the House at about 11pm or later, when the children have gone to bed. As a result, the mornings are very precious to me. It's a time when I can be with the children.

David and I do spend time together, but not as much as we would like. Although we have lunch together on Saturday, he is used to going out on his own or with friends. He works as a solicitor and is not really a political animal. He has so many other interests. He reads, he goes to concerts, he spends time with my best friend.

People say you need to spend less time with your children as they get older. I think that's ridiculous. If anything, you need to spend more time with them as they enter their teens. You have to strive to keep the structure of family life together, to keep in touch with their lives, find out what they're doing, who their friends are.

When your children are talking to you the temptation is to say: "Look darling, I have two speeches to write." But



Putting on a brave face: Tessa Jowell combines family life with an exhausting working day

you can't possibly say that. It is not their fault that their mother is so busy and spends so much time at work. Nevertheless, I think I can say that they don't feel my absence in the way that I feel theirs.

I live and work in London, so I am fortunate that I am able to get home for a couple of hours each day. I try to attend school plays, parents' evenings and see my children on their birthdays. It must be intolerable for those MPs in the North of England and Scotland who repeatedly have to miss important family events. In that sense, my experience is not typical of most MPs, who can go days without seeing their families.

I remember that once a meeting of my select committee clashed with my daughter's birthday tea. The chairman allowed me to miss the meeting so that I could go home for a couple of hours. While that couldn't have happened if I'd lived a long way outside London, it also showed that it is possible to negotiate. People are prepared to listen and help you to make other arrangements.

In many ways, an MP's life is intolerable. It can't be right that we are governed by people who purport to support family life and who are always talking about the demands of balancing home and work, but for whom the possibility of

family life doesn't really exist at all.

It is very easy to lose touch with the pace and pattern of normal life. On the rare occasions that I drive home at half past five, I look on with bewilderment at people who are able to do this every day. In fact, I feel like a voyeur observing a way of life that I can never share.

Although I have been an MP for only four years, I've seen enough to know that things must get better. The pressure on MPs demands it. A consensus is forming that Westminster ought to be reformed to meet the needs of the family. It is ridiculous to hold sittings late at night.

When I'm 65 I want to look back on my life and know that my children were never sold short because of the job I did. After the next election, when I could be a minister, I still intend to go to school concerts and get home for birthdays.

You don't have to let your job destroy your domestic life. We have to escape the notion that spending more time with your family is, in some way, a defeat — that those MPs who quit in search of a normal family life are failures.

TESSA JOWELL

● The author is the Labour MP for Dumbarton

I can't make plans

I THINK those constituency wives who live outside London must feel as if they are part of single-parent families. Even if you live in London you will be lucky to see your husband before 11pm. This creates its own stresses and strains. If the husband has a constituency that is a long way from the family home, it is unlikely that he will even see his family at weekends. In such circumstances, the wife really has to make a life on her own, even though she may be working very hard in the constituency on behalf of her husband. It's not hard to see why a lot of politicians' marriages break down.

As a family we were lucky: we lived in London and, although Giles has a northern constituency and spent a lot of weekends in Durham, we were able to see each other during the week. He was always there for the children

THE MP'S WIFE

when they were growing up. I don't think conditions in the House are getting worse. If anything, they are improving. The last vote on Thursday night is usually at 1pm, not at 10pm as was once the case. This means that most MPs can arrive back at their constituencies at a decent time before surgery on Friday. One of the main irritations is that you can never plan ahead. You may, for instance, agree to speak at an event in Devon only to receive a three-line whip on the day you are expected to deliver your speech. As a result, you have to cancel at short notice, letting down a lot of people. That can be hard.

LISANNE RADICE

● The author is the wife of Giles Radice, Labour MP for Durham North



Edward Leigh with three of his five children, (from left) Tamara, Marina and Natalia

Why we live on the A1

When the call came inviting me to write an article on how MPs cope with their families, one of my five children was screaming: "I'm bored, bored, Daddy!" It was midweek. I was at home at 11am, babysitting. I took her swimming.

Am I a part-time drone MP, totally undeserving of our pay rise? True, I was swimming at midday, but I was voting at midnight, after attending a debate in the House and speaking on family-friendly employment. It was the third vote of the day, the second debate and, for me, two committee meetings on the swim.

So the truth is that MPs do work full-time hours, but at very odd hours indeed. Do we succeed in juggling this extraordinary job with family life? Well, there are two great divides: one is between back-benchers and ministers, the other between those who leave their families in the constituency, and those who lug them back and forth to London. I do the latter in a second-hand Toyota Previa in which our children can wrestle all the way to Lincolnshire.

My wife and I decided when we started 12 years

FAMILY AFFAIR

ago that I wouldn't leave her behind on Monday morning, spend the week in London in a bedsit with Labour's smelly socks brigade, and slog back at 1am on Friday. So every Sunday evening when the nation is tucking up cosily to *Songs of Praise*, the Leigh family is picking up the detritus of the weekend in a Lincolnshire cottage and heading back to Westminster. Frankly it's hard pounding, but at least we're in it together.

But all this costs. You can't afford a family house in the constituency and in central London on £34,000 a year and a few allowances that barely pay for the food and petrol.

If you're an MP and want to live all the time with your family you have to take jobs outside. But most MPs can't or won't do this, so on Monday morning it's goodbye to them to the family. Apart from the obvious penalty that they are denied a proper home for much of the week, there are other drawbacks.

One MP who has done a modest little chicken side-step to avoid fighting a

marginal seat told me he just could not afford to lose. His children were at school around the constituency, his wife's friends were there. His only home was there, and above all his only job was there.

There is a real danger that we are creating a full-time political cadre of MPs who are moderately paid, institutionalised, and cannot take risks with politics.

So unless you're fortunate enough to be an MP for the Cities of London and Westminster, your lot is either emotional destitution during the week or hefty disruption for your children.

When the policeman came to my son's school and said: "Where do you live, sonny?" my son replied: "I live on the A1." I hope he forgives me when he grows up.

To me the greatest compliment that could be paid to any politician, and which a minister once paid to me, is that he puts his family first, his religion second, his political beliefs and country third, and his party a very distant fourth.

EDWARD LEIGH

● The author is the Conservative MP for Gainsborough and Horncastle

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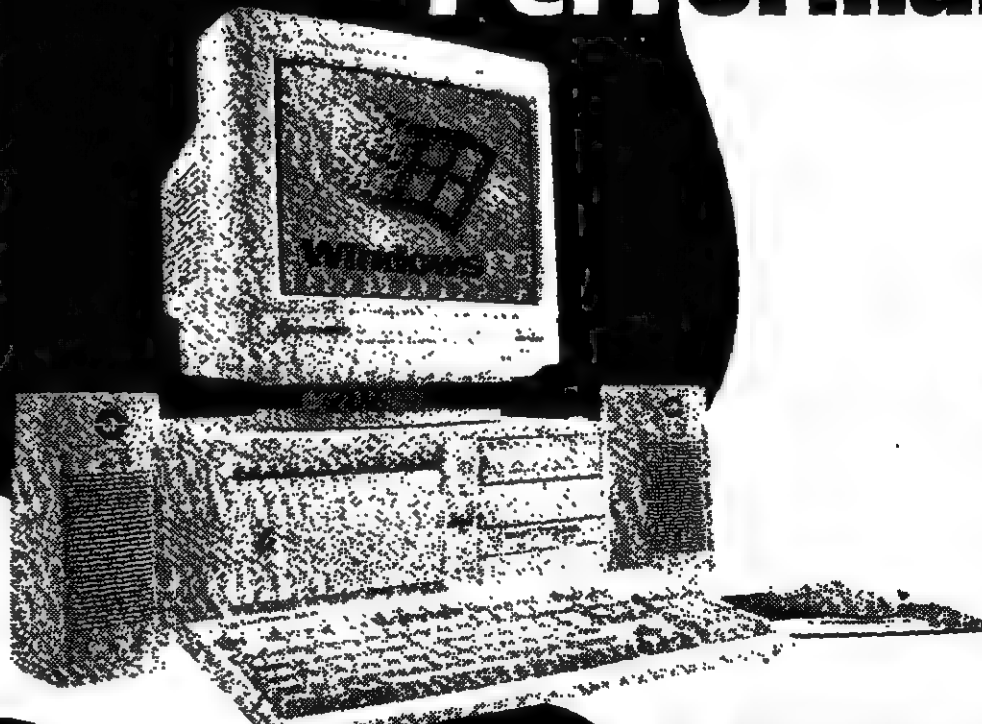
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which might amount to an attempt was not always obvious or easy to

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He had entered the school but he

in K V Freddy (The Times July 17) leading counsel for Freddy was Mr Ivan Krollick

Goldsmith's Labour militants

Blair must not rule out EMU, writes Denis MacShane

The assumption that Sir James Goldsmith is the patron saint principally of the anti-European wing of the Conservative Party now needs revision. In the past few weeks, evidence has begun to surface of his infiltration into Labour thinking too. The left-wing weekly *Tribune* recently ran a glowing interview with the Medean-based billionaire, in which he was allowed space to promote his view that global free trade is a disaster for the working class.

This was followed by the launch of a coordinated campaign to persuade Labour to oppose economic and monetary union. The anti-EMU Labour grouping includes long-standing opponents to British involvement in what Dennis Skinner always denounces as the "Common Market", as well as MPs such as Roger Berry and John Austin-Walker who consider themselves pro-European but are hostile to monetary union on the ground that it involves too strict a control of public spending.

Unison, the public-sector union and Labour's biggest affiliate, has also swung into the Goldsmith camp. Its activists are trying to convert latent hostility to a single currency into a formal policy commitment from Labour.

The anti-Europeanism that Neil Kinnock and John Smith had apparently slain threatens to revive. Although Blair's speeches in Europe tend more to advocate labour market flexibility than extra powers for Brussels, Labour is not divided over the issue of European membership. There are no anti-European politicians in Labour's ranks of the status of John Redwood, Michael Portillo or Norman Lamont. But Goldsmith's arguments about monetary union touch a chord. In the back of some Labour minds is the hope that devaluation and massive government borrowing will perform a magic trick and allow a painless increase in exports, wages and public expenditure. Moreover, there is uncertainty about the public attitude to the single currency, the European central bank, the euro and whatever else might flow from monetary union.

Politicians nervously wonder which way business will jump. So far, there has been silence from the CBI, the City and other big companies, even if they stand to lose from being left on the margins of a monetary union. The ideological Institute of Directors is hostile to monetary union. By contrast, John Monks, the innovative TUC boss, says that monetary union would be good for private-sector jobs and growth.

But for the most part, the arguments are more and more against British involvement. No top political or business leader looks willing to make the case for British participation in the next wave of European construction and integration, other than on terms of "wait and see".

Between them, these opponents of monetary union are occupying more and more political space. Obviously, it can hardly be in the interests of either Mr Major or Mr Blair to declare now that Britain will definitely not enter monetary union, before the decision needs to be made, between 1998 and 2001.

Saying "never", even for the duration of a Parliament, is unwise politics. To say no now would rob British leaders of any influence in shaping the terms and conditions of the monetary union. Hopes that monetary union will not happen may be high in parts of SW1, but any reading of the press in Bonn, Paris and other European capitals makes clear that to count on its failing would be a mistake.

In Britain, the case for monetary union is largely being lost because those hostile to the European Union are advancing all the arguments and campaigning with a simple slogan of "No to monetary union". It is anyone's guess as to whether they will put the opposite case and, if so, will they please speak up before it is too late?

The author is Labour MP for Rotherham.

Goldsmith's right-wingers are hostile to monetary union because they dislike the social element in the European social market economy, and rightly suspect that the European Union has a political programme, and is not just an alliance of free trading nations.

Goldsmith's faction on the left opposes free trade

Goldsmith's right-wingers are hostile to monetary union because they dislike the social element in the European social market economy, and rightly suspect that the European Union has a political programme, and is not just an alliance of free trading nations.

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In 1950, Clement Attlee refused to participate in the Schuman plan to merge Europe's coal and steel industries. The plan was opposed by Labour at the time because it would involve "a surrender of sovereignty". Yet John Major boasts of Britain's status, half in, half out of Europe, as a success. As Baroness Thatcher's favourite diplomat, Sir Robin Kewick, pointed out recently, British hesitancy over Europe has been the major policy failure of post-war governments.

"Wait and see" may well be the best line to take on monetary union, but it presupposes that from 1998 onwards other European countries will welcome London as an equal decision-maker on economic policy if Britain refuses to take part. It also presupposes that outside monetary union the pound will behave sensibly. This is a leap of faith, given previous Labour Government's disastrous inability either to defend or to devalue the pound in a convincing manner.

Opponents of monetary union from both the Right and the Left are quite happy to see a Labour chancellor being buffeted by sterling and having to worry about the pound's rise and fall. The Goldsmith faction on the left opposes monetary union because it supports — albeit with a distinctly different motive — Sir James's protectionist crusade against globalisation. The Goldsmith right-wingers are hostile to monetary union because they dislike the social element in the European social market economy, and rightly suspect that the European Union has a political programme, and is not just an alliance of free trading nations.

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MAYHEM

16 vii 96
Peter Brookes

A paper without a cause

Never work for a liberal newspaper, my old friend Philip Hope-Walace, *The Guardian's* distinguished opera critic, used to say. "They always sack you at Christmas."

I suppose there is a germ of truth in that — and certainly in the past few days Andrew Jaspas, the former Editor of *The Observer*, has tried to plant such a notion in the public mind. In articles in *The Times* and the *New Statesman* — to say nothing of an interview on BBC radio — he has done his level best to convict the Scott Trust (the owners of *The Guardian* and *The Observer*) of having shamefully mistreated him in the way they dismissed him from the editorship of *The Observer* last March.

It has not, to be blunt, been a particularly edifying performance. Behind the defiant words he has written and spoken the distinct tone of a whine and a whinge has been audible. I have never met Jaspas, so I trust I can be acquitted of any self-interested motive (in any event, he took editorial control of *The Observer* a full seven years after I had ceased to have anything to do with it). If I object to the plaintive wall he has emitted, it is because it seems to me to set a very bad precedent.

When William Rees-Mogg took over the editorship of *The Times* in 1967, at the invitation of the new proprietor, Lord Thomson of Fleet, he did not, to my recollection, publicly criticise the Astors, the previous owners nor, indeed, did he seek to diminish the achievements of his predecessor, Sir William Haley. Nor to be personal for a moment, did I, when I succeeded Dick Crossman as Editor of the *New Statesman* in 1972, feel the slightest inclination to disparage the legacy left to me by a practising politician who, however much I might as an Editor, ranked as one of the greatest left-wing journalists of his day.

There has, however, grown up a new and disagreeable custom, by which editors (whether failures or successes) try to enhance their own achievements by suggesting that what they inherited was an entirely bankrupt journalistic estate. Andrew Neil may have started the practice by delivering some notably graceless remarks about the state in which he found *The Sunday Times* when he became its boy-wonder Editor in

1983. Since then a relentless succession of Editors of the *Sunday Express* has played the same game — each seeming to want to outdo the last in explaining to the world what terrible mistakes were made until he or she arrived on the scene (just in the nick of time). For their readers it cannot have been a confidence-inspiring spectacle — and since newspaper editors pride themselves on living on what Lord Beaverbrook once described as "the armed frontier" with politics, they might perhaps reflect that, in this respect at least, political professionals, I have never been persuaded that they know a great deal about newspapers. (That applies even to their columnist chairman, Hugo Young, whom I can still see in my mind's eye consulting me when he was a young lad of 25 as to whether he should join *The Sunday Times* or *The Observer*.)

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The Observer's former Editor carps at the Scott Trust, writes Anthony Howard, but what did he expect from amateurs?

determination to persuade them not to sacrifice their birthright by entering into a marriage either with Lord Thomson of the *Times* or with Lord Drogheada of the *Financial Times*. The truth is that if Andrew Jaspas has a point (which, given his own scarcely glorious record in running *The Observer*, I doubt), it must lie in the attack he makes against that body of the great and the good who first gave him his job and then took it away from him. It so happens that I know a number of them, and despite their eminence in their own respective professions, I have never been persuaded that they know a great deal about newspapers. (That applies even to their columnist chairman, Hugo Young, whom I can still see in my mind's eye consulting me when he was a young lad of 25 as to whether he should join *The Sunday Times* or *The Observer*.)

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our own share of responsibility for the tarnishing of what was once the brightest jewel in the British liberal newspaper crown.

What went wrong? The easy answer is Jimmy Porter's in *Look Back in Anger*: there were simply no longer any great causes left to fight for. Astor's *Observer*, like Kingsley Martin's *New Statesman*, was built on a succession of idealistic campaigns: for colonial freedom, against capital punishment, in favour of a sensible, social democratic Labour Party (all of which have now been achieved).

In the 1980s, our task was a good deal less inspiring. What we saw ourselves as doing was holding the line as best we could against the bourgeois triumphalism of Thatcherism. I am not sure we managed it very well. For one thing, our business section entered into the spirit of the age with a zeal hardly surpassed by that of *The Sunday Times* or even of *The Sunday Telegraph*.

Yet what finally did for us was the Lorin ownership. There was at the beginning something to be said for Tiny Rowland, who was at least an anti-establishment figure. He ultimately became, however, an intensely manipulative proprietor, obsessed by his own vendetta against the *Al Fayed's*. Towards the end of the 1980s, particularly after the notorious "Phoney Pharaoh" midweek edition published on the same day as the Lorin AGM in 1989, the shadows had certainly begun to draw in.

The only doubt I retain is whether having to cope with that sort of maverick owner was really any worse than resting the paper's future in the hands of a bunch of well-meaning — though on the available evidence wholly crass — amateurs, who manifestly never possessed the slightest idea of what *The Observer* was about (witness their two previous bosh shots at appointing an Editor). The one way in which they may now have a last chance to redeem their errors is by not standing idly by while *The Observer*, with its own distinctive character and personality, is gradually and remorselessly swallowed up into the great maw of *The Guardian*.

The author was Deputy Editor of *The Observer*, 1981-83, and is now *Obituaries* Editor of *The Times*. Libby Purves is away.

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Cardinal sins of religion

Woodrow Wyatt takes the Irish Primate to task

My father, a regular C of E churchgoer, who never missed a Sunday, was apt to be a trifle eccentric. He chose his friend Lord Headley, the President of the British Muslim Society, to be one of my two godfathers. I salute Headley's memory by drinking champagne from the elegant chalice cup he gave me. In the Koran which belonged to him I have found nothing to justify the blind zealotry, terrorism and cruelty of modern Islamic fundamentalists. The Koran commands a high morality and extols all the decencies of behaviour approved of by Arnold of Rugby. It echoes many of the precepts of the New Testament.

The intentions of the founders of most religions were good. But the manner in which their ardent adherents have distorted them has been the bane of mankind. The bloody Christian Crusades, accompanied by massacres, rape and pillage, would not have been recognised by Christ as part of His teaching, but denounced as the basest expression of man's greed for power and riches. The centuries of inquisitions, tortures and burnings of heretics blessed by popes and English archbishops resulted from crazed fanaticism. The destruction of the South American Indians and their ancient cultures by the conquistadors was a crime against civilisation, but hailed as a victory for Christ.

Strong religious convictions have ever caused dangerous frictions. In Britain, fortunately, religious convictions have steadily weakened. It can be argued that our Civil War had religious connotations, but not convincingly. Charles I affronted the Scots when, in 1633, he was crowned in Edinburgh by seven bishops with elaborate ceremonial that offended against the simpler Protestant taste. Certainly the Puritans disliked his countenancing the Catholicism of his French wife. But the real issue was whether the King should rule in disregard of Parliament or with its consent. This was decided by the execution of Charles I and accepted by his son, Charles II, the founder of constitutional monarchy. When his Catholic brother, James II, tried to revive royal absolutism, he was removed, and the loss of his throne was confirmed by William of Orange's victory at the Battle of the Boyne 306 years ago.

The Orangemen whose marches through Catholic parts of Belfast still provoke violence are descendants of Protestants from Scotland and Northern England. They were sent there towards the end of the 16th century, and during the 17th, on lands stolen from the Roman Catholic inhabitants. If these new settlers had been Roman Catholic, and not of various categories of Protestantism, there would now be no trouble in Ireland, North or South. Probably the whole of an undivided Ireland would have remained part of the United Kingdom. But religion, with its bigoted sectarianism, has intervened. It has prevented marriage between the descendants of the ancient Irish and the newer arrivals established there for a mere four centuries or so. It is as though the United States of America had remained segregated by its original national, religious and ethnic make-up.

The mainland British have the great gift of being able to assimilate in language, custom and outlook immigrants of all races from everywhere in the world. That gift has failed to cross the Irish Sea. It was religion, not a calm, objective assessment of the situation, which caused Cardinal Daly, the Catholic Primate of all Ireland, to attack Sir Hugh Annesley, the Chief Constable of the RUC, for not halting the Orange marches. The Cardinal conceded that more lives would have been lost if the Chief Constable had done as the Cardinal wished, but thought that this was preferable to annoying the Irish Catholic nationalists. Mr Broton, the Irish Taoiseach, has joined the Cardinal in condemning us for not giving the nationalists the power to march as they have for centuries.

It is religion, Protestant and Roman Catholic, which fuels the flames of conflict in Northern Ireland. Religion taken too seriously is always a menace. Marxism was the religion which put the Russian people into the thrall of Lenin and Stalin and their Communist successors. Karl Marx was a fundamentally decent man. If he had realised, as he told away in the British Museum, that his idealistic concept of society would be twisted into a regime far more despotic than that of the Tsars, he would have presented his ideas far less dangerously and with less confidence that he alone knew the absolute truth. Religious fanatics know no compromise; they believe they have a divine mission to put the world to rights, by force if necessary. Until Ireland realises that only by compromise can those of strongly differing views live reasonably together, it is our unfortunate duty to enforce the rule of law in Northern Ireland and ensure that the gangster gunmen are eliminated.

The only person presently available with the persistence, experience and toughness to clear the obstacles on the road to peace is John Major. We remove him at our peril.

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Safari time

SOUTH AFRICA is rife with speculation about a possible visit by the Princess of Wales. The excitement follows reports in a South African newspaper that she has been invited to meet President Mandela after failing to see him on his recent visit to London.

Both the South African High Commission and the Princess's office say no visit is yet planned, but a press attaché at South Africa House added: "If she does visit South Africa, the President would consider a meeting with her."

Diana is said to have hoped for a private encounter with Mandela when he was here. His timetable was tight, however, and the imminent divorce announcement, as well as the question-mark over her future role, meant that Buckingham Palace couldn't countenance any such meeting.

South Africa House said yesterday that the Princess would very probably have received invitations to South Africa from charitable organisations in the country. She also has an open invitation from her brother, in Cape Town.

● *Curtain twitchers in Holland Park are blabbing about the latest visitors to Aubrey House, a mansion on the market in this select*

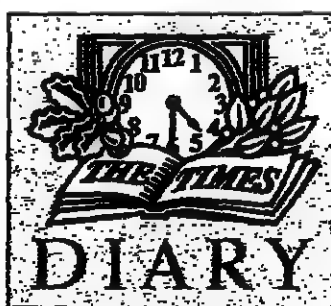
London enclave for a mere £25 million. They claim that members of the Rausing clan, headed by Britain's richest man Hans Rausing (valuation: £3 billion), have been sniffing around.

Dress up

THE DUKE OF RICHMOND has been forced to take stern measures this summer to ensure standards are upheld at Glorious



"Did you see anyone tampering with my wig?"



Goodwood. After an embarrassing encounter last month at his course with a young lady wearing the skimpiest of briefs and a top which was barely noticeable, he has sent out an edict banning members of the Richmond enclosure from wearing "hot pants" or displaying "bared midriffs". Quite.

Top brass

MICHAEL JACKSON'S appearance with his band at the Sultan of Brunet's 50th birthday party — for a rumoured \$15-\$20 million — brings to mind the occasion when the bizarre-looking popstar bumped into my old chum Field Marshall Lord Branswell while both were staying at the Sultan's hotel, the Dorchester.

Branswells was decked out in full regalia, gleaming with gongs, when he found himself check-by-jowl with the pesty singer in the

lift. "Oh my!" fluttered Jacko. "I just love your medals. I've a closetful just like them back home." "Goodness," was all that Branswells could muster in reply, before making an unprecedented retreat.

Big band

LOYALIST marching bands wrought a clamorous revenge last week on Lady Hermon, wife of the former RUC chief constable Sir John Hermon. She was spotted by Orangemen removing some of the Union flags bedecking her street in Donaghadee in the run-up to the anniversary of the Battle of the Boyne. Her punishment for such duty-mindedness was to have the pipes and drums of a local band play outside her front door for two hours. Only when Sir John appeared to apologise did the marchers move on.

Off guard

BEAUTY rather than brains is the essence of Tara Palmer-Tompkinson, socialite, clothes-horse and sometime skidding companion of the Prince of Wales. Last week, however, her mental gearbox seemed to have become clogged by one too many goat's-cheese tartines. At a party attended by soldiery, one hair-slicked swell cruised to her. She asked him what he did for a



Jennifer Ehle with Colin Firth, who became her leading man

living. "I'm a Life Guard," he purred. "Really?" said the girl of the year. "What beach?"

Sincerely

NEWS to get a man's pulse racing: the comely actress Jennifer Ehle is unattached, and she's steering clear of thespians. After being twice bitten —



CONTINENTAL SHIFT

Labour should rule out monetary union in the next Parliament

It is a tribute to the discipline that Tony Blair exercises over Labour that assessing its policy is so hard. Only rarely do battles of importance — such as that over the single currency — break the surface.

Mr Blair is now allegedly contemplating a statement that Labour would not enter the European monetary union (EMU) in the lifetime of the next Parliament. This is contested by those, such as Denis MacShane writing on the opposite page, who favour the new coinage and whose camp includes the influential firefighter Peter Mandelson.

It may be assumed that the fight is not finished. But there has certainly been a shift in Labour tone on the matter. Twelve months ago Mr Blair enthused about the whole project: today caution is the watchword. In Bonn recently Mr Blair used language that Chancellor Kohl would like: on the details of EMU the Labour leader stressed emphasis, expressing concern about the implications for jobs and saying that if it back-fired the public reaction would be severe and ugly. That line was echoed in *New Labour, new life for Britain*. This declared that any decision to enter should be made on "a hard-headed look at its economic practicalities", and then subject to a referendum or an election. So far, so ambiguous.

Labour is still in search of a card that would clearly trump John Major. But it must also look towards holding office. The party's central problem is that it is at least as split on EMU as the Government. In power such division would court disaster: all could unite, however, behind the argument that while there was no principled objection to future membership, Conservative mismanagement left the British economy unready to do so now. Another look could be promised in 2002.

Such a pledge makes practical sense for Labour. If Britain wanted to be one of the first set of nations to embrace the euro in 1999, detailed decision-making and enabling

legislation would be needed from autumn 1997. The first two years of the Blair tenure would be swamped by the subjects of Scotland's status and the single currency. That could be the best possible recipe for another 18 years of Conservative rule.

Labour should have learnt a lesson from the Prime Minister's misfortunes. It is better to have a policy, almost any policy, than a position based on procrastination that appeals to no one. Certainly trumps indecision. While many in the City might favour a British role at the outset, what they want to know above all else is what to plan for. A definite "not yet" for a Parliament is much better than the "probably not but please call back later" from Mr Major.

On the basis of Mr Major's record in office, and a belief that periodic alternation is healthy in a democracy, many may be inclined to give Mr Blair a chance in power. The strongest argument against that has been the fear that a vote for Labour could lead to an irreversible decision to surrender economic and political sovereignty. If that charge could be parried, then the substantive division between the two parties on Europe would rest with the social chapter, an important measure but one where the Tory opt-out has already been eroded by decisions of the European Court of Justice.

A Labour Party that took the pledge on the euro would both be more likely to get elected and have more parliamentary time in office to pursue a Blair agenda at home. Meanwhile Mr Major would be outflanked. Held hostage by his Chancellor, he could not match the Blair promise nor attack him for a commitment most Conservatives wish their own party would make. The Tories were warned by many, including ourselves thirteen months ago, that if they did not rule out the euro for five years they would leave themselves exposed. To paraphrase the Prime Minister, the words "game, set, and match" would hang perilously in the air.

PIGS AGAIN

Cuban lessons for Clinton, Dole and Europeans too

Throughout Fidel Castro's 37-year dictatorship, Cuba has had a propensity to unsettle US presidential judgment. The Americans have been right about one big thing, that tyranny grown old and poor is still tyrannical and that all legal means to weaken it are justifiable. But Washington has not always calculated its policies wisely — Kennedy's embarrassment over the Bay of Pigs was followed by unfortunate revelations of CIA dirty tricks. President Castro has made use of America's most sustained policy, its unilateral trade embargo, to blame Uncle Sam for his own dire economic mismanagement.

The Cuban Liberty and Democratic Solidarity (Libertad) Act, sponsored by Senator Jesse Helms and Representative Dan Burton, is America's most ill-considered move yet. This legislation would expose foreign companies to American sanctions for trading with Cuba — including compensation claims in US courts against foreign enterprises alleged to be "trafficking" in Cuban property confiscated by the Castro regime from US citizens. This extraterritorial extension of US jurisdiction has no defence in international law. It recalls the Arab boycott of companies that traded with Israel, a boycott rightly denounced by America down the years. If enforced, it will undermine the multilateral trading rules on which the US depends as much as its allies. It will also harm the confidence of foreign investors and whip up a destructive storm over the Atlantic.

President Clinton, who opposed the Helms-Burton Bill on legal grounds and on the pragmatic test of harm to America's own business interests, was panicked into signing it last March in the aftermath of Cuba's outrageous shooting down of two US-registered aircraft. He was manoeuvred into this by Senator Dole, who saw the electoral advantage of challenging the President to compete for the Cuban-American vote.

Mr Clinton is now horribly trapped. He

has until tonight to sign a waiver that would limit the damage by postponing the clause permitting compensation suits. But he would have to certify that drawing the Act's teeth was not only in the US national interest, but would promote democracy in Cuba. If he signs the waiver, he risks losing votes and campaign contributions from Cuban-Americans; he could even lose Florida's 25 votes in the electoral college. If he does not, he faces the chaos and cost of up to 400,000 lawsuits in the US, damage to the confidence of foreign investors whose money supports over four million American jobs and certain trade retaliation.

The electoral arithmetic must tempt him to let Helms-Burton take its course. It would be an error with repercussions that, as more than 120 American and European business leaders have jointly advised him, would long outlast the election campaign. Among the measures envisaged by the European Union and Canada are visas and work permit restrictions on US businessmen, counter-suits in their own courts against American companies and a legal challenge at the World Trade Organisation which the US stands to lose. As for President Castro, to be so quarrelled over by Western allies will give him his sweetest propaganda victory yet.

If Mr Clinton, against expectations, signs the waiver, Europeans must deal better with the anger that gave Helms-Burton its appeal. Their lack of support for American efforts to put pressure on the Castro regime has rankled for many years and led directly to the current transatlantic crisis. European "constructive engagement" with Cuba has failed to bring about the political pluralism it was supposed to achieve. America has no business attempting to control companies outside its jurisdiction. But Europeans, who say that their quarrel with America is over means rather than ends, would do well to re-examine their own policies towards Cuba.

PROPORTION IN COURT

This 1926 Act needs pruning with common sense

Every newspaper reporter who has ever sat in a court of law has, sooner or later, heard evidence that will not be transmitted verbatim to readers, viewers or listeners because such detail would be more revolting than revealing. These judgments are generally editorial judgments made by journalists. In the line of professional duty they have to balance the requirements of open justice against the need to avoid unnecessary offence. Although these judgments can and do generate argument, judges have rarely used their discretion to prevent the media striking its own balance.

Yesterday, presiding over the exotic and intricate case of the succession to the late Third Baron Moyinhan, Sir Stephen Brown invoked the 1926 Judicial Proceedings Act and restricted the reporting of the case until he delivers his ruling at the end of the hearing in around two weeks' time.

The original purpose of the Act in question, framed in an era of quite different standards, was to prevent public outrage at the publication of indecent material. While failing to fully explain why the antique statute was being used, the judge did, however, acknowledge that the issue was not "a matter of salacious details."

Several laws regulate what can be

reported from courts and few of these limits are controversial: the Children and Young Persons Act restricts the identification of minors, individual anonymity is granted in rape cases and the Administration of Justice Act lays down further cautions. The Judicial Proceedings Act of 1926 has been heavily qualified and complicated by other legislation since it was first passed. The law on court reporting has become a tangled thicket and the 1926 Act seems, on yesterday's evidence, to need pruning with the blade of common sense.

The Moyinhan case — concerning a louché, much-married lord who ran a string of brothels in the Philippines where he had fled to avoid prosecution for fraud — has been extensively reported here and elsewhere. Anyone wishing to protect the five and seven-year-old Filipino boys who claim the Moyinhan title should also note the facts already in the public domain — and exercise due proportion. The aim cannot be to protect public decency by the use of a 1926 statute after half a century of fluctuating public standards. There is a clear public interest in the right to sit in the House of Lords. It is curious — at best — that the Judicial Proceedings Act should be used to inhibit coverage of this case.

Possible future steps in Ulster

From Mr R. Fell

Sir, Your leader, "A colder eye" (July 15), is both timely and to the point. Anyone with a modicum of experience of Northern Ireland has always known that if the so-called peace process ended in an Ulster referendum being decisive, the result would be easily predictable. Under provocation, Mr Trimble pressed the fast-forward button and the "referendum" was held, rather messily, last week.

The result showed that the streets of Ulster are the streets of the United Kingdom and not under the control of a foreign power. Hence the discomfort of John Bruton, the Irish Prime Minister (report, July 13), and Cardinal Cahal Daly (report, July 12).

That is not to say that the peculiar problems of Northern Ireland do not need urgent attention. But, as your leader points out, these must be tackled in a United Kingdom context. The dangers of false hopes or fears have been well illustrated.

An answer might be a proportionately-elected executive council above the layer of normal local authorities, and it would be this body that would continue the dialogue with Dublin on cross-border co-operation.

Yours faithfully,
R. FELL,
Kings Bay,
60 The Drive, Craigwell,
Bognor Regis, West Sussex.
July 15.

From Mr David Howard

Sir, In the light of the Government's "U-turn" on the Orangemen's march, perhaps they should consider a similar U-turn with regard to Sinn Féin.

An invitation to Sinn Féin to attend the all-party talks without any preconditions on condemning violence and intimidation by any group might jolt the peace process back on track.

Yours sincerely,
D. HOWARD,
The Limes,
18 St Andrews Road, Bedford.
July 15.

From Mrs B. H. Goulding

Sir, Mr Peter Knight (letter, July 11; see also letters, July 13) feels that the "anities of the Orangemen in the last few days" are more alienating to the rest of the UK than the IRA killings of the last twenty years.

A perfect encapsulation of the famous nature of much comment on Northern Ireland.

Yours faithfully,
HERMIONE GOULDING,
36 Christchurch Road,
Winchester, Hampshire.
July 15.

MPs' pay increase

From Professor Emeritus R. A. B. Leaper

Sir, Plans are now in hand to exact further personal charges to meet the cost of long-term care in old age and to extend personal contributions to pension funds as essential supplements to inadequate basic state pensions.

Local social services struggle with inadequate resources to establish priorities where funds cannot meet the needs assessed under "community care" provisions.

Overall, we are consistently urged to hold down all public expenditure strictly to the rate of inflation, including that of wages in the public sector.

That a majority of Members of Parliament should in these circumstances vote themselves an increase of 26 per cent (report, July 11, later editions; letters, July 10, 12) out of moneys paid for by citizens through taxes is not merely morally unjustifiable but politically chaste.

The Prime Minister and the Leader of the Opposition were shrewd en-

Effects of a buoyant US economy

From Mr Tim Yeo, MP for Suffolk South (Conservative)

Sir, Anatole Kaletsky's analysis of the reasons for the buoyant state of the United States economy ("Clinton, jobs and Keynes", July 9) has implications for this side of the Atlantic.

Although Europe may, as Kaletsky dismissively puts it, be "languishing in its worst depression since 1945", Britain is the shining exception to this generalisation, now enjoying sustainable growth and falling unemployment on a scale which almost rivals the US.

If Kaletsky is right in identifying interest-rate policy as the key ingredient in the recipe for achieving the virtuous outcome of non-inflationary growth, then credit must go to the Chancellor, whose judgments have proved so skilful since Britain left the exchange-rate mechanism.

Since interest-rate charges have an immediate and substantial impact on both household income and business cash flow, perhaps those politicians and pundits at present obsessed with tax cuts could now divert their attention to an even more important issue.

Yours faithfully,
TIM YEO,
House of Commons.
July 9.

English rights over devolution

From Mr Jim Sillars and Lord Elis-Thomas

Sir, In referendums on Scottish and Welsh devolution are the English affected in any meaningful way, and if so have they a right to participate?

That might seem a strange question from two people who have, respectively, devoted a good part of their lives campaigning to divorce Scotland and Wales from England. However, since the referendums are to be on devolution rather than independence, it is a question no democrat anxious to retain harmony among the three peoples can dodge.

Devolution is not an expression of Scottish and Welsh self-determination. It is a profound adjustment of the political and legislative partnership with England in a continuing unitary state, in which Westminster is the only legislature governing England.

That truth is not changed by Labour's promise of English regionalism, as Labour is not suggesting legislative assemblies for the likes of Yorkshire and Lancashire.

It is unjust to the English to have their Westminster representatives vote money for Scotland and Wales without a say or control over how it is

From Mrs Cynthia Maccooby

Sir, Anatole Kaletsky's reminder of the importance of demand-management policies for the running of a successful economy is most welcome.

It should also be noted that demand management has a role to play in cutting the public-sector borrowing requirement (PSBR). An increase in public and private investment by stimulating growth in the economy increases tax revenues from incomes and expenditure and reduces welfare benefit payments for unemployment and income support.

Too often simplistic ideas of cutting public investment in order to reduce the PSBR have had the paradoxical result of increasing the PSBR, as we have seen in recent years. Cuts in government expenditure, for example, by reducing growth in the economy, result in increased expenditure on unemployment costs and reductions in tax revenue.

To try to run an economy without demand-management policies, relying solely on supply-side improvements, is like trying to steer a vessel by polishing the brass and scrubbing the decks while avoiding recourse to the rudder.

Yours faithfully,
CYNTHIA MACCOOBY,
115 Mortlake Road,
Kew, Richmond, Surrey.

Volte-face on a conference centre

From Dr Trevor I. Williams

Sir, It is ironic that the Royal Society should be among the scientific bodies advocating a large international conference centre (ICC) in London (letters, June 21, July 10).

During his presidency, 1945-50, Sir Robert Robinson had imaginative plans for a comprehensive science centre on the South Bank which would accommodate not only the Royal Society but all the other principal scientific societies, the research councils and possibly also the Patent Office and the (then) Department of Scientific and Industrial Research. It would also be able to stage very large international conferences.

The proposal had considerable support from the scientific community in general and from members of the Labour Government — notably Stafford Cripps and Herbert Morrison. A representative committee was set up to consult all interested parties.

Unfortunately Robinson's successor as president, Sir Edgar Adrian, and many of the fellows had no enthusiasm for this communal life. In a memorandum to Morrison, Adrian stated that the Society must not be expected to share its lecture hall with other societies except as a favour. In Burlington House the Royal Society has no difficulty in maintaining the independence and almost Olympian dignity and exclusiveness needed for a supreme scientific council.

A Scientific Societies Accommodation Committee (with Robinson as chairman) continued into Adrian's presidency but the scheme eventually foundered, partly through indifference and partly because the Government ran out of funds.

Robinson never favoured the society's move to its present home in Carlton House Terrace. Late in life he wrote:

Is it too much to hope that even after so much delay there might arise someone with sufficient imagination to grasp the advantages for the City of London and for the British Isles that would accrue from the realisation of our dreams?

Perhaps, half a century on, the millennium will provide the occasion.

Yours faithfully,
T. I. WILLIAMS
(Author, *Robert Robinson, Chemist Extraordinary*, OUP, 1990),
20 Bleenheim Drive, Oxford.
July 11.

Lincoln impasse

From the Very Reverend Randolph Wise

Sir, The dispute at Lincoln Cathedral (reports, July 5, 6; letter, July 10) has been well publicised and it has inevitably caused distress to all who have a care for the place and people involved. Yet there are signs of encouragement and hope.

Last Palm Sunday, my wife and I attended the traditional liturgy there; and under the presidency of the Dean and with the collaboration of clergy and choir, the substantial congregation were transported out of this world by the spirit of the worship.

More recently, we went to a weekday Evensong, when Dean and Sub-Dean were partners in a fine offering of worship. When collaboration is possible in this dimension there must surely be hope that co-operation may be extended into other fields.

Yours sincerely,
RANDOLPH WISE,
2 Derwent Drive, Oakham, Rutland.
July 8.

Rubens attribution

From Mr Arnout Bails

Sir, On June 19 your Arts Correspondent reported that doubts had been cast in certain quarters on the attribution of the National Gallery's *Samson and Delilah* to the hand of Rubens.

Your report also suggested that a recent redating of the Vienna portraits of Archduke Albert and Isabella of The Netherlands had "convinced" me and a colleague that these paintings were the work of the young Jacob Jordaens, who was greatly influenced by Rubens.

I find your suggestive association between these two cases highly misleading. I do not believe that they have any connection whatever, and I for one have no doubts regarding the authenticity of the *Samson and Delilah*.

Yours sincerely,
A. BAILS,
Nationaal Centrum voor de
Plastische Kunsten van de
Iode en de 17de Eeuw (Rubenianum),
Kolveniersstraat 20,
B-2000 Antwerp, Belgium.

Low blow?

From Mr Patrick Howarth

Sir, A critic, writing in your Weekend supplement (July 13), states that the author of a book which has now appeared in paperback "excels at depicting squalor and dreariness". Is this regarded in the book trade as a laudatory review, or not?

Yours faithfully,
PATRICK HOWARTH,
Flat 2, Pencarrow,
The Avenue, Sherborne, Dorset.
July 15.

Letters should carry a daytime telephone number. They may be faxed to 0171-782-5046.

OBITUARIES

JOHN BOON

John Boon, CBE, publisher, died on July 12 aged 79. He was born on December 21, 1916.

A MILLS & BOON romance is a phrase that has become increasingly familiar since the beginning of the 1970s. Even those who use it sneeringly would find it hard to deny that this family publishing house, in whose fortunes John Boon played so significant a part, has achieved an amazing success.

Mills & Boon, set up in 1908 by two ex-Methuen men, was struggling when Gerald Mills died 20 years later. However, Charles Boon refocused it, focused on romantic fiction and saw his firm benefit from the strong rise of commercial lending libraries — both WH Smith's and the Boots' libraries were still going strong during the 1930s. He certainly had the satisfaction of knowing that he would leave a solid business to his sons.

John Trevor Boon, his third son, was always an extremely able all-rounder. After Felsted School, where he shone on the sports field, he was elected a scholar of Trinity Hall, Cambridge, and got a first in history and a half-Blue in athletics. He had barely joined the firm when the war broke out: he served as an infantryman, was a major commanding a company of the South Wales Borderers at the D-Day landings and throughout the campaign in North West Europe, being mentioned in dispatches.

He spent a further year in the historical section of the Office of the War Cabinet before returning to the family firm where, as commercial and circulating libraries died away in the postwar years, hardback romantic fiction titles fell on hard times. Despite this, with his older brother Alan — no administrator but a gifted editor — he built a team which perfectly understood this particular publishing area.

They selected and schooled writers to produce professional and skilfully written novels (some much-vaunted winners of literary prizes have been much worse written). Yet they failed to recognise that the not-too-elevated market, which they so successfully catered for, would — if offered paperback romances — prove



John Boon, left, with his brother Alan in 1982

to be capable of infinite expansion. It was not that John Boon was blind to the need constantly to change and develop. But, essentially a serious-minded man, he busied himself with the wrong things. He was very keen on developing a crafts list and — particularly after buying the long established educational publisher, Allman — an educational list. (He had been associated since its foundation with the Open University, and became a director of its Educational Enterprises in 1977).

At Mills & Boon he was appointed managing director in 1963, and soon afterwards two external events radically changed the firm's fortunes. Within the United Kingdom a few romances had been issued in paperback form — and the firm found itself started by their success.

Meanwhile in Canada those in charge of Harlequin Books, which belonged to the Bonnycastle family and successfully sold paperback novels, were warned by a friendly bishop that their romances were becoming too raunchy. They wrote to Mills & Boon, as known producers of rather more wholesome fare. (In later years Alan Boon wryly reflected: "Thank God we didn't lose their letter.")

Supplies were anyway duly arranged. The vast North American market greatly liked what it got; the Mills & Boon phenomenon had begun.

Inevitably, Harlequin soon wanted to control this invaluable supplier, and in the early 1970s John Boon, a shrewd negotiator, sold the firm to the Canadians on terms which made the Boon family rich. But the family did not then bow out: the older brother Alan, with his editorial team, continued as the skilled (though not, of course, by now exclusive) producers of the romances, while John, the businessman brother, became vice-chairman of Harlequin Enterprises.

Harlequin itself was subsequently bought out by the big Torstar Group of Toronto, whose board John Boon joined later in the 1970s. He thus became a powerful influence in the phenomenal international expansion of Mills & Boon/Harlequin romantic paperback novels. (In the mid-1990s more than 200 million of them were sold annually in over 100 separate international markets; they were also translated into 26 different languages.)

Always well-organised and hard-working — staff were disconcerted by his practice of getting to the office by 8am — Boon found time for a remarkable range of book trade activities.

He served as president of the Publishers Association and on several of its committees, as president of the International Publishers Association, as chairman of the publishers advisory panel of the British Council, as president of the Society of Bookmen and as a director of Book Tokens as well as being — a notable test of stamina — a member of no fewer than seven of the book trade's overseas missions. He was appointed CBE in 1968.

Although no extrovert, John Boon was extremely likeable and clubbable — something proved by his membership of the Garrick, the Saville and the Beeston, to say nothing of the RAC. He was also (from his days as an undergraduate athlete) a member of Hawks, besides being a pillar of the Wine Society.

Later in his life (even episcopal) appearance, which reflected his nature, led business strangers to think him a soft touch: they were soon disabused. But even his trade colleagues often wondered — with amusement rather than malice — whether his close association with putting Mills & Boon/Harlequin romances so emphatically on the map of the world had ever included reading one of them from cover to cover.

He married Felicity Logan in 1943. A linguist, she gave him much practical support (notably when at an International Publishers Association meeting in Tokyo she gave a speech in well-rehearsed Japanese), and his more recent years were saddened when she became a prolonged victim of Alzheimer's disease. There were four sons of the marriage, all of whom survive him.

WALTER HASSAN



Hassan and the Old No 1 racing Bentley

Walter Hassan, OBE, engineer, died on July 13 aged 91. He was born on April 25, 1905.

WALTER HASSAN personified the sort of all-round engineer who is now becoming more of a rarity in the profession. He was one of a tradition and a breed who knew their theory, but were still intensely practical men, who had the wisdom of a wide ranging experience and the judgment born of oily hands.

In the postwar years he played a crucial role in the development of some of the most famous engines produced in Britain: the Jaguar XK120 and V12 engines, and the Coventry Climax fire-pump unit that became the first successful postwar Grand Prix engine. At Coventry Climax he also designed a flat 16 cylinder Grand Prix engine, a small diesel engine and many others that never reached production for a variety of reasons. But Walter Hassan's engineering exploits started well before the war with W.O. Bentley.

Walter Thomas Frederick Hassan was born at Upper Holloway, north London, the eldest of six sons. His father was the manager of a gentlemen's outfitters in Highgate. Walter wanted to be a marine engineer, but the opportunities to pursue such a career in landlocked north London were few — indeed in 1920 jobs of any kind were scarce. So after completing his education at the Northern Polytechnic and the Hackney Technical Institute, he began to look for a job at the age of 15. Returning with his father from an unsuccessful foray to the Sunbeam works, he noticed in Cricklewood a new factory being built which carried the name of the owner Walter Owen Bentley.

His father wrote for an interview, it was granted and Walter started as a boy learner at ten shillings a week as employee number 15. Surrounded by experts he quickly assimilated the practical side of automobile engineering. To learn the theory, he attended the Regent Street Polytechnic on a part-time basis. He passed the examinations and became a member of the Institute of Automobile Engineers. At the age of 25 he was put in charge of Bentley's racing department and made annual trips to the Le Mans 24 hour race. He also drove competitively himself and was fortunate to survive a crash in a 3-litre Bentley at Montlhéry, France, in the early 1930s.

When W.O. Bentley sold out to Rolls-Royce in 1931, Hassan joined the wealthy Bentley driver Woolf Barnato,

and from this association emerged the Barnato Hassan Bentley, and later the Pacey Hassan. In a garage in Belgrave Mews he built Old No 1, a 6½-litre engine car in a 4-litre frame, which went over the banking at Brooklands in the 500-mile race killing the driver.

When Barnato retired, Walter moved to ERA in Bourne. But because his wife was in Surrey he claimed that he was drinking too much beer and moved down to Thompson and Taylor at Brooklands where he worked on the Ralston-designed record breaker to be driven by John Cobb. While tuning an SS100 for Edgar Wadsworth he met Bill Heynes chief engineer of SS Cars, and later joined that company as chief experimental engineer.

When the war started Hassan went down to Bristol to work on aircraft carburetor development, but hurried back to Coventry when he heard that SS Cars were to develop an air transportable, parachuteable, lightweight vehicle. A talented team produced two vehicles, but neither went into production because aircraft and parachute development overtook the vehicles: a standard Jeep could be transported and parachuted. The famous XK120 engine was created after discussions when Sir William Lyons, the boss of Jaguar, Walter Hassan and the engineering team were on fire-watching duty together at the Coventry factory.

Hassan moved to Coventry Climax as chief engineer in 1950, and was soon producing racing engines which powered four world championship winning cars from 1959 to 1965. Jaguar took over Coventry Climax in 1963, and Hassan was made director. Power Units, and, with Harry Munday, he designed the magnificent V12 engine which was first fitted to the E Type Jaguar in 1971. A year later, with the V12 now launched in the saloon car, Hassan retired at the age of 67. He was appointed OBE in 1971.

Although troubled by his hips and knees, his brain and his enthusiasm were as sharp as ever. He redesigned the engine for the Pacey Hassan Bentley model, giving it twin overhead camshafts with the spark plugs placed over the combustion chambers.

Shrewd, with an immense depth of knowledge he was a joy to talk to, and relished good company. He was also courteous and tireless in his efforts to help a worthy cause.

His wife Ethel and one son predeceased him. He is survived by three sons and a daughter.



Kumar (right) in Mehboob Khan's *Mother India*, 1957

Raj Kumar, Indian film actor, died of blood cancer on July 3 aged 68. He was born in Loralai (formerly India, now in Pakistan) on October 8, 1927.

RAAJ KUMAR did not belong to modern Indian cinema, a medium every day more mercenary and Westernised. His jaquered looks and unhurried elegance were of another age, one of understated tones and courtly memories. Unlike present-day Bombay film stars, he was a cultured, well-taught man, his baritone voice lending itself as readily to a recitation, say, of Ghalib's classical poetry as to the "dialogues" conferred especially for him by awe-struck screenwriters.

Born into "a good family" —

RAAJ KUMAR

a phrase that is still widely used in India — Raj Kumar's middle-class breeding and education could so easily have brought him success in the managerial or administrative services. India was young when he was young and his professional prospects were considerable; besides, his patriotic father, who was an officer in the Army, expected his son to serve the newly-independent nation.

Indeed, he did join the Bombay police, working at the Mahim police station, until 1952. Yet his attraction to the khaki uniform of his profession was less powerful than the allure of the city's film studios, and Raj Kumar, after work each day, would travel to the Ranjit Studio to pester the directors in the hopes of landing a film part.

His rich, rare voice — a precious asset in a cinema culture which then valued stylised delivery as highly as an ability to act — soon caught the attention of film-makers, and he made his debut in 1952, in *Rangeli* (Merry Woman).

For the film, he abandoned his real name (the decidedly uncinematic Kulbhushan Pandit, full of ponderous Brahmin resonances) and adopted his glamorous *nom de théâtre*, which means "crown prince".

It was not until *Mother India* (1957), an emotional, patriotic film which captured the spirit of the times, that Kumar started in a genuine hit. The success of the film, still considered by many to be one of the finest ever to come out of "Bollywood", was due of course to the actress Nargis, whose fragile beauty won for her the hearts of the nation. But the young Kumar was noticed by all, and starring roles were never again to be a problem.

With his ramrod posture and bearing, his virile voice

and his closely clipped moustache, the ex-police officer soon became a cult figure with college boys across northern India, who mimicked his gait, his mannerisms and his style. Although he was never to attain the status of romantic hero in the manner of Dilip Kumar or Raj Kapoor (or even, later, of Dev Anand or Rajesh Khanna), Raj Kumar won the devotion of legions of Indian women with his subtle performance in *Pakeezah* (The Pure One).

If there is a film which rivals *Mother India* in the pantheon of Indian cinematography, it is perhaps *Pakeezah*. When the account of independent India is written in the next century, sensitive social historians will rate this film as the greatest event of 1971, ranking with the liberation of Bangladesh by soldiers of the Indian Army. Kumar starred in this tale of an aristocrat's love for a dancing girl, alongside the breathtaking Meena Kumari, and it cannot be said that his performance was in any way inferior to hers.

"I saw your feet. They are very beautiful. Do not bring them down to earth, for they will be soiled." These lines, from the young aristocrat to his ill-fated courtesan, are among the most famous in all Indian cinema. To millions of moviegoers it was apt that they should come from Kumar. The fineness of his speech, after all, was the making of him.

The pipe-smoking actor, who loved golf and pranks, lived his life at a discreet distance from the rest of Bombay's celluloid tribe. He continued to act in films — although only occasionally — until the early years of the 1990s, when illness overtook him.

He is survived by his wife Gayatri, and by a daughter and two sons.

PERSONAL COLUMN

TICKETS FOR SALE

ALL SPORT Bought & sold Phoenix, Celtic, Tottenham, Arsenal, Chelsea, Liverpool, Manchester United, Newcastle, Everton, Aston Villa, West Ham, Queens Park Rangers, Millwall, Luton, Barnet, Brentford, Crystal Palace, Reading, Notts County, Lincoln, Macclesfield, Shrewsbury, Walsley, Grimsby, Scunthorpe, Doncaster, Sheffield Wednesday, Sheffield United, Blackpool, Preston, Rochdale, Wigan, Bolton, Burnley, Bury, Colchester, Exeter, Gillingham, Millwall, Luton, Barnet, Brentford, Crystal Palace, Reading, Notts County, Lincoln, Macclesfield, Shrewsbury, Walsley, Grimsby, Scunthorpe, Doncaster, Sheffield Wednesday, Sheffield United, Blackpool, Preston, Rochdale, Wigan, Bolton, Burnley, Bury, Colchester, Exeter, Gillingham, Millwall, Luton, Barnet, Brentford, Crystal Palace, Reading, Notts County, Lincoln, Macclesfield, Shrewsbury, Walsley, Grimsby, Scunthorpe, Doncaster, Sheffield Wednesday, Sheffield United, Blackpool, Preston, Rochdale, Wigan, Bolton, Burnley, Bury, Colchester, Exeter, 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Tenant was unaware of relevant fact

Regina v Westminster City Council. Ex parte Obeid. Before Mr Justice Carnwath. [Judgment June 26]

Unawareness that housing benefit was subject to limitations in relation to certain rent amounts to being "unaware of any relevant fact" within the meaning of section 60(3) of the Housing Act 1985.

Therefore a person who rejected a council's offer of accommodation and moved into private accommodation in the genuine but mistaken belief that the rent would be paid by housing benefit was not acting deliberately as to render his homelessness intentional when he was unable to pay the rent.

Mr Justice Carnwath so held in the Queen's Bench Division when allowing an application for judicial review by Marwan Obeid from a decision of Westminster City Council on February 20, 1996 and reaffirmed on April 18 that the applicant was intentionally homeless.

Mr Terence Gallivan for the applicant, Mr Clive Jones for the council.

MR JUSTICE CARNWATH said that the London Borough of Westminster had accepted the applicant, her husband and their two young children as being

unintentionally homeless and in priority need and had given them temporary accommodation at Frensham Drive in Putney pending a final offer.

They stayed there from July 1994 to July 1995. In May 1995 Westminster City Council offered them permanent accommodation in a flat at Beaumont Road but they appealed against that offer on health grounds. The appeal was rejected and accordingly they accepted the offer and signed the tenancy agreement.

However, in the short period before the flat was ready they attempted to find private rented accommodation which would not be open to the same objections. They found through an estate agent a flat at Randolph Avenue, Maida Vale at a monthly rent of £910, equivalent to £210 a week.

Having made inquiries to satisfy themselves that the rent would be paid by housing benefit they decided to take the property and reject the offer at Beaumont Road.

After they moved in they found out that their housing benefit entitlement would only be £180 a week and their appeal against that failed. The reason for the shortfall was that under the regulations in force at the time a proportion of the rent was disallowed if the rent officer held it to be unreasonable

when assessed by comparison with rents payable on suitable alternative accommodation in the area.

Being unable to meet the shortfall on the rent they applied to Westminster City Council for housing as being threatened with homelessness. The council refused their application on the ground that they were intentionally homeless.

The council's case was that the applicant and her husband were the authors of their own misfortune, that they were never in a position to pay the rent at Randolph Avenue, and that they should have taken the Beaumont Road accommodation. The applicant said that she assumed from her previous experience that the rent would be covered by housing benefit.

His Lordship said there was no doubt that the applicant acted deliberately when leaving Frensham Drive and as a result that property ceased to be available for her family.

The question raised was whether under section 60(3) of the 1985 Act she acted in good faith and while "unaware of any relevant fact". No issue was raised as to her good faith and it was argued on her behalf that the council should have found that she was unaware of a relevant fact, namely that

housing benefit was available only in part to a proportion of the rent.

His Lordship said that section 60(3) was not without its difficulties. The test was not the reasonableness of the applicant's actions but whether they were taken in ignorance. That might seem unjust.

A person who took the trouble to find out the relevant facts, but made a reasonable but mistaken judgment could not apparently claim the benefit of the section. But a person who made no inquiries at all and therefore acted in ignorance might be able to do so.

The scope of the concept of "fact" in the context of section 60(3) had been considered in several cases which were reviewed by the Court of Appeal in two cases: *R v Exeter City Council*, Ex parte Tranter (1993) 26 HLR 244, where the applicants left settled accommodation to take over an inn, but became homeless when the inn was sold; and *R v Exeter City Council*, Ex parte Subhija (1994) 26 HLR 720, where a lady from Bangladesh came to this country in the mistaken view that she would be able to find work and accommodation here.

His Lordship said that the effects of those two decisions was that the applicant's appreciation of the prospects of future housing or

future employment could be treated as "awareness of a relevant fact" for the purposes of section 60(3), provided it was sufficiently specific to employment or housing opportunities, and provided it was based on some genuine investigation and not mere "aspiration".

Although that interpretation might not accord with what one would normally understand by a reference to a statute to a "relevant fact", it was an interpretation by which his Lordship was bound.

It was perhaps justified by the general intent of the Act to ensure that those who found themselves under the extreme pressures of homelessness should not be penalised except for decisions made with their eyes fully open.

If the applicant had acted in the genuine belief that she would have no difficulties with housing benefit, then it would be said that it should not be regarded as a "relevant fact" just as was the belief of the Tranter family as to the prospects of the inn business.

If the council thought they had made no genuine investigation of the facts, then it would be said that they might have been dismissed as mere aspiration.

Solicitors: Daniel & Harris, Kilburn; Mr Colin T. Wilson, Westminster.

Diabetic driver dangerous

Regina v Marison. Before Lord Justice McCowan, Mr Justice Toulson. [Judgment July 8]

When a diabetic driver, who was aware that he had a real risk that he would have a sudden hypoglycaemic attack, got into his car and started to drive, such an attack occurred, resulting in his car veering, crashing into an oncoming vehicle and killing its driver, the defendant was guilty of dangerous driving.

Section 3(1) of the Act set out the matters to which the court was to have regard in exercising its powers under section 2, including the financial resources and needs of such an applicant and of any beneficiary.

Section 3(2) provided that the

Reasonable financial provision for widow

In re Krubert (Deceased). Before Lord Justice Nourse and Mr Justice Cazalet. [Judgment June 27]

Under the Inheritance (Provision for Family and Dependents) Act 1975 provision for a widow whose deceased husband had not made "reasonable financial provision" for her in his will depended on consideration of what would be reasonable in all the circumstances of her case.

The court in deciding the issue did not have to take as its starting point consideration of what she would have received had divorce instead of death divided them but was to have regard to all the matters set out in section 3(1) and (2) of the Act.

The Court of Appeal so held allowing an appeal by Vladimir Krubert and Anna Vasova, beneficiaries under the will of the testator, Frank Krubert, deceased, from the judgment of Mr Recorder J.T. Curran in Caernarfon County Court in October 1995 on an application by the widow, Elsie Krubert.

Having found that the testator had not made "reasonable financial provision" in his will for the applicant, the recorder ordered that other than payments of £7,000 to each of the beneficiaries, the whole of his estate, including the matrimonial home, was to go to her absolutely.

By section 1(1)(a) of the 1975 Act a surviving spouse could apply for an order under section 2 of the Act that provision be made for her from the deceased's estate on the ground that his will had not made reasonable financial provision for her.

Section 3(1) of the Act set out the matters to which the court was to have regard in exercising its powers under section 2, including the financial resources and needs of such an applicant and of any beneficiary.

Section 3(2) provided that the

court, in addition to the matters referred to in section 3(1), should have regard to the provision that the applicant might reasonably have expected to receive if on the day the deceased had died the marriage, instead of being terminated by death, had been terminated by a decree of divorce.

Mr Gareth Jones for the beneficiaries, Mr Anthony O'Toole for the applicant.

LORD JUSTICE NOURSE said that the deceased, born in 1911, had married the applicant, now aged nearly 90, in 1952. They had no children. In 1952, having acquired a plot of land in his sole name, the deceased had built a house in which he and the applicant had thereafter lived. The £200 paid for the plot had been put up by the applicant.

The effect of the deceased's will was that the applicant was to take his personal chattels and £10,000 absolutely and a life interest in the house. The remainder of his estate, valued at some £100,000, was to go to the deceased's brother and sister.

The judge, in a full and careful judgment, directed himself by reference to the observations of the Court of Appeal in *Moody v Stevenson* (1992) Ch 486, 499 that "in cases where the applicant is a surviving spouse, the logical starting point... would be an appraisal of the claimant's financial needs."

But the judge did not refer to *In re Besterman* (1984) 1 Ch 458, 469 where Lord Justice Oliver had said of an application under the 1975 Act by a surviving spouse that "the figure resulting from the section 25 of the Matrimonial Causes Act 1973 exercise is merely one of the

factors to which the court is to have regard" and that the overriding consideration is what is "reasonable" in all the circumstances.

A conflict, if only one of emphasis, existed between those two decisions. It could cause problems for judges hearing such cases at first instance.

There was some evidence that the approach adopted in *Moody v Stevenson* might have caused confusion, especially in cases concerning small estates. That was understandable as on a divorce two parties had to be provided for; on death there was only one.

The approach adopted by Lord Justice Oliver in *In re Besterman* was preferable and should be adopted accordingly.

Mr Jones's basic submission was that the judge's order was a "wholesale" redistribution of the deceased's estate beyond what was required to make reasonable financial provision for the applicant. The judge, he said, had effectively and unjustifiably rewritten the provisions of the deceased's will.

That submission was made out. The judge erred in principle in awarding the applicant an absolute interest in the house. The applicant, although in good health, was nearly 90. If she moved from the house she would be sheltered accommodation. No case was made out for giving her an absolute interest in the house.

The deceased in his will had not, however, made reasonable financial provision for the applicant's needs. In the circumstances, the reasonable course for the court to take was to direct that the applicant was to take an absolute interest in the whole of the assets of the estate except for the house in which she was to have a life interest.

Mr Justice Cazalet delivered a concurring judgment.

Solicitors: Richard Wilson & Co, Pangbourne; Campbell Hooper for Elwyn Jones & Co, Bangor.

Holding was a decision

Farrington v The Queen. Where the Court of Appeal of The Bahamas had upheld a judge in refusing a prisoner a stay of execution pending the hearing of constitutional proceedings challenging the carrying out of his sentence of death, on the ground that they were bound to follow the decision of the Privy Council.

The Privy Council (Lord Keith of Kinkaid, Lord Jauncey of Tullichettle and Lord Slynn) so held on June 17 when giving reasons for having, on May 22, granted the applicant, Ricardo Farrington, special leave to appeal against a decision of the Court of Appeal of The Bahamas (Mr Justice George, Justice of Appeal, and Mr Justice Liverpool, Justice of Appeal) dated May 6, 1996.

LORD JUSTICE NOURSE said that although there was an appeal as of right the Lordships had granted the applicant special leave to appeal as a poor person. However, they wished to make it clear that even in a case where an appeal lay as of right it would be inappropriate to grant special leave where it was plain beyond rational argument that the appeal was doomed to fail.

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Derisory offer refused

Khan v Official Receiver. A trustee in bankruptcy was not bound to dispose of an asset of the bankrupt at the only price offered for it if that price was derisory.

The Court of Appeal (Lord Justice Nourse and Mr Justice Cazalet) so held on June 18 when dismissing an application for leave to appeal against the decision by the district judge of an application under section 305 of the Insolvency Act 1986 by the appellant, Tahir Ali Khan, a bankrupt, that the respondent be ordered to assign a chose in action to him.

The appellant had offered up to £1,000 to the respondent for the right to pursue an action against his solicitors.

The right, held by him until his bankruptcy, had been vested in the respondent under section 306 of the 1986 Act.

The sum was considered by the district judge as derisory given that the action was a substantial one.

LORD JUSTICE NOURSE said that the Official Receiver had made clear that he not only was not unlikely to be any funds in the debtor's estate to pursue the action but that the creditors had not given an indication they would put up funds.

The Official Receiver was entitled not to accept the offer and it was not arguable that a trustee in bankruptcy was bound to dispose of an asset of the bankrupt at the only price which had been offered if that price was a derisory one.

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Justices have broad discretion

Regina v Newport Justices. Ex parte Cary. In deciding whether to exercise their power under section 142 of the Magistrates' Courts Act 1980 to reopen the case of a defendant convicted in his absence, justices were entitled to take into account the fact that the defendant failed to appear through his own fault, and that witnesses would be inconvenienced by a retrial. They were also entitled to take into account the apparent strength of the prosecution case although little weight should generally be attached to that factor.

The Queen's Bench Divisional Court (Lord Justice Henry and Mr Justice Ewbank) so held on June 7, dismissing Richard Michael Cary's application for judicial review to quash the refusal of Newport (Gwent) Justices on October 16, 1995, to set aside his conviction in his absence on October 4, 1995 of various offences.

LORD JUSTICE HENRY said that the justices were not finally shutting out the defendant who had an untried right of appeal to the Crown Court under section 108 of the 1980 Act.

The justices were entrusted with a broad discretion and the way they exercised it did not deprive the applicant of a fair trial. What they did was to emphasise, rightly, the inconvenience to witnesses when defendants absented themselves from court, and that there was a limit to the court's patience.

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